

**From:** Steven Galaif [sgalaif@sbcglobal.net]  
**Sent:** Wednesday, April 26, 2006 8:46 PM  
**To:** BHPrevisedDEIR@slc.ca.gov  
**Subject:** LNG

I am unalterably opposed to the proposed LNG terminal off the coast of Malibu. It is putting our coastline in danger ecologically and esthetically. There are better solutions that don't violate our coastal environment. Sincerely, Steven Galaif.

P023-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P023-2

Section 4.4 and Appendix F contain information on the visual resources, impacts, and mitigation. Appendix F describes how visibility from various distances was evaluated and provides additional simulations prepared for viewpoints at elevated sites along the Malibu coastline and inland areas. Sections 4.5.4, 4.6.4, 4.7.4, 4.8.4, 4.11.4, and 4.18.4 discuss the Project's potential impacts on environmental resources and mitigation measures to prevent or minimize the potential effects on the environment.

P023-1

P023-2

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,

Please stop Cabrillo port LNG industrial plant from progressing any further in the permit process. California law prohibits industrial intrusion on highly scenic areas. The last remaining wild areas on the Southern California Coast will be permanently despoiled if this industrial plant is installed. In fact over 10 national parks, national recreation areas, state, city and county parks will be despoiled. This would forever impact the quality of life of the areas residents and negatively impact the millions of visitors who come to hike and enjoy the seashore. In addition, federal and state governments own studies show that this project would:

- result in both short term and long term adverse impacts to the coast and it's residents.
- Increase smog levels (tons of pollutants spewing directly upwind from our houses, beaches and hiking trails.
- contain 14 story high pollution spewing industrial towers with lines of support ships which forever will be our new horizon. This towers will be brightly lit at night being a 24 hour eye sore .
- harbor the possibility of a 14 mile wide explosive flash fire due to an accident of terrorist attack.
- be visible from all elevations in malibu from downtown Malibu all the way to Port Hueneme.
- require a "security zone" of 2.3 miles around it. (to protect from terrorism, accidents etc) which is in the same shipping channel where 10,000. container ships and oil tankers use annually.

There are many more negative impacts than the above "official" ones disclosed by the federal and state study.

PLEASE do not allow this to go forward. We, the citizens of Southern California will fight this project until it is derailed. Our money and time can be spent on projects that truly will improve the quality of life in Southern California rather than just provide an opportunity for foreign Companies to sell us gas that they and we do not need.

Sincerely,

  
Gregory K. Gallup

818 263 5956  
3202 Olds Rd.  
Oxnard, CA  
90301

P239

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
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Sincerely,

*Jimmy Gamboa*  
Jimmy Gamboa  
28128 D.C.H. #172  
Paradise Cove

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

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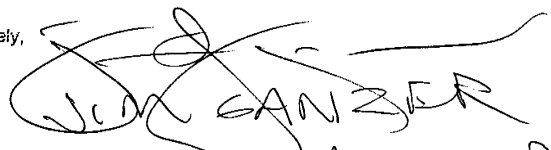
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Sincerely,

  
21657 LAS FLORES 46TS  
MALIBU CA 90265

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April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
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Sincerely,

Paula Gardner - PAULA GARDNER  
6375 Zuma Mesa Dr.  
90265

From: bgaynor@oxnardsd.org  
 Sent: Thursday, May 11, 2006 5:28 PM  
 To: BHPRevisedDEIR@slc.ca.gov

Please don't approve the proposed LNG terminal off of the Oxnard coastline.

I am a teacher who lives and works in Oxnard. I have a great responsibility for the safety of my students.

You have the responsibility for making decisions about the environment with the safety and well-being of our community in mind.

This ill-conceived project will have many devastating consequences on us, especially our children. The air pollution will put our kids in jeopardy for respiratory illnesses. The ocean water quality will be degraded and fouled, which I go in to surf every day. Those reasons are enough to say, "No." to this project. Add to that a natural or man caused disaster and it will be clear in years to come what a foolish decision it would be to offer our pristine coastline to a foreign company to degrade for the profit of themselves.

There is not even any credible evidence that we have need for more LNG, as our supplies are the highest they've been since 1984, according to the Washington Correspondent.

Be proud of yourselves. Protect OUR coastline now, while you still have the chance. Save it for the PEOPLE and let this big oil company, which has a miserable track record of fouling other people's land put this thing off their own coastline. Do you think they will put it on the Great Barrier Reef? I think not. BHP Billiton is not welcome in my city. I hope you feel the same as does the Oxnard School District, the Oxnard City Council, the Mayors of Oxnard and Malibu, the Sierra Club and many other groups and citizens.

Thank you,  
 Barry Gaynor  
 1985 San Sebastian Dr.  
 Oxnard, CA 93035  
 Public School Teacher, Oxnard School District

#### P067-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P067-1

#### P067-2

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

P067-2

P067-3

#### P067-3

Section 4.18.4 contains information on potential impacts on water quality and mitigation measures to address such impacts.

P067-4

#### P067-4

Sections 1.2.2 and 1.2.3 contain updated information on natural gas needs in the U.S. and California. Forecast information has been obtained from the U.S. Department of Energy's Energy Information Agency and from the California Energy Commission.

P067-5

#### P067-5

Section 4.2.6 states, "The environmental and occupational safety record for the Applicant's worldwide operations, including, for example, mining ventures overseas, was not considered in evaluating potential public safety concerns associated with this Project because such operations are not directly comparable to the processes in the proposed Project." The conclusions in the EIS/EIR are based on the analyses of potential environmental impacts of the proposed Project and the implementation assumptions stated in Section 4.1.7. However, the Applicant's safety and environmental record will be taken into account by decision-makers when they consider the proposed Project.

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

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Sincerely,

*Suzanne Gecht*  
*5853 Filaree Hts Malibu*  
*CA 90265*

Harry L. Noland  
(1904-1991)

Paul M. Hamerly  
(1920-2000)

Myron E. Etienne, Jr.

James D. Schwefel, Jr.

Stephen W. Pearson

Lloyd W. Lowrey, Jr.

Anne Secker

Randy Meyenberg

Michael Masuda

Christine Gianascol Kemp

Jo Marie Ometer

Terrence R. O'Connor

Kirk R. Wagner

Dale E. Grindrod

Lisa K. Omori

Leslie E. Finnegan

Timothy J. Baldwin

Stacy S. Camiel

Renée Conrad de Torres

Daniel E. Griffie

Of Counsel

Peter T. Hoss

Martin J. May

Blanca E. Zarazúa

May 12, 2006

**VIA E-MAIL – BHPRevisedDEIR@slc.ca.gov**

Mr. Dwight E. Sanders  
California State Lands Commission  
Division of Environmental Planning & Management  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825

Re: State Clearinghouse No.2004021107  
Comments on the Revised Draft Environmental Impact Report for the  
Cabrillo Point Liquefied Natural Gas Deep Water Port

Dear Mr. Sanders:

I am writing on behalf of Araich Limited, A.G. ("Araich") to provide comments on the above-referenced revised draft EIR/EIS.

Araich owns 239 acres (Richman Ranch) and 40 acres (Yamamoto Ranch) of agricultural land north of Pleasant Valley Road and east of Rice Road in Oxnard, as shown on the map attached to our December 17, 2004 letter<sup>1</sup>. The proposed Center Road pipeline associated with the Point Cabrillo Liquefied Natural Gas Deep Water Port ("LNG Project") runs right through the middle of the Araich property.

Our initial comment letter on the DEIR/EIS, dated December 17, 2004, is attached.

With regard to potential significant impacts related to safety, as outlined in our initial comment letter, the project relocates the Center Road pipeline to move it away from the Mesa Union School. Nevertheless, the majority of the Center Road pipeline continues to run in close proximity to the City of Oxnard and City of Camarillo with a potential for serious injury and/or fatalities to members of the public in these large population centers should there be an explosion and fire resulting from the underground pipeline.

<sup>1</sup> Assessor Parcel Numbers 218-0-030-160; 170; 180; 275; 285; 295; 305; 115; 205.

P103-1

Thank you for the information.

P103-2

Christine Kemp submitted a comment letter during the public comment period for the October 2004 Draft EIS/EIR. Responses to the comments from that letter are identified in this document as 2004 Comment Letter G430.

P103-3

Section 4.2.8 contains information on potential public safety impacts from natural gas pipelines and mitigation measures to address such impacts. Appendix C3-C contains information on design and safety standards applicable to natural gas pipelines.

The design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

The proposed pipelines within Oxnard city limits would meet standards that are more stringent than those of existing pipelines because they would meet the minimum design criteria for a USDOT Class 3 location. Also, MM PS-4c includes the installation of additional mainline valves equipped with either remote valve controls or automatic line break controls. SoCalGas operates high-pressure natural gas pipelines throughout Southern California.

See the response to Comment P103-2.

P103-1

P103-2

P103-3



Mr. Dwight E. Sanders  
May 12, 2006  
Page 2

P103-3 Continued

Other than the relocation of the Center Road pipeline away from Mesa Union School, the comments raised in our December 17, 2004 letter regarding the inadequate safety analysis, remain applicable to the environmental review.

P103-3  
Continued

With regard to the potential impacts to agricultural land, the revised DEIR fails to adequately address the significant impact which may occur to agricultural lands as a result of the pipeline project.

P103-4

Table 1.4-1 "Issues Raised in Comments on October 2004 Draft EIS/EIR" makes no mention of comments received with regard to potential impacts to agricultural lands.

Impact AGR-1 continues to speak in terms of "temporary" loss of agricultural land. As stated in our December 17, 2004 letter, trenching and laying a 36 inch gas pipe, necessitating a 75 – 80 foot working strip, through our client's agricultural land is not a "temporary" loss. Such work will cause a permanent loss of land, as well as damage to crops and underground irrigation pipes and tiles. These are significant impacts to agricultural lands for which monetary compensation cannot adequately mitigate.

Moreover, Impact AGR-2 in the revised DEIR acknowledges that the permanent conversion of agricultural land to non-agricultural use is an unmitigated significant impact.

In conclusion, it remains Araich's position that the potential significant safety impacts to the public, as well as the potential significant impacts to agricultural land, arising from this project remain underestimated in the revised DEIR. The only way to adequately mitigate against these potential significant impacts is a "no project" alternative, eliminating this project and moving it to a more remote location which does not involve the pipeline being in close proximity to large population centers or traversing significant acres of productive agricultural land.

P103-5

P103-4


Section 4.5.4 contains revised text on potential impacts on agricultural resources and mitigation measures to address such impacts.

P103-5

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS  
A Professional Corporation

  
Christine Gianascol Kemp

CGK:ng  
Enclosures

cc: James D. Schwefel, Jr., Esq.  
Client

**NOLAND  
HAMERLY  
ETIENNE  
&  
HOSS**

Attorneys at Law A PROFESSIONAL CORPORATION

WWW.NHEH.COM  
E-MAIL CGIANASCOL@NHEH.COM  
831-424-1414 EXT. 271 P103-6

December 17, 2004

**BY E-MAIL and OVERNIGHT MAIL**

Cy Oggins  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202  
**ogginsc@slc.ca.gov**

Lt. Ken Kusano  
U.S. Coast Guard  
2100 Second Street, S.W.  
Washington, DC 20593-0001  
**kkusano@comdt.uscg.mil**

Re: Draft Environmental Impact Statement/Environmental Impact Report  
for the Cabrillo Point Liquefied Natural Gas Deep Water Port

Dear Mr. Oggins and Lt. Kusano:

I am writing on behalf of Araich Limited, A.G. ("Araich") to provide comments on the above-referenced draft EIS/EIR.

Araich owns 239 acres (Richman Ranch) and 40 acres (Yamamoto Ranch) of agricultural land north of Pleasant Valley Road and east Rice Road in Oxnard, as shown on the attached map<sup>1</sup>. The proposed Center Road pipeline associated with the Point Cabrillo Liquefied Natural Gas Deep Water Port ("LNG Project") runs through the Ariach property.

Araich believes the draft EIS/EIR for the LNG Project is incomplete and therefore, legally inadequate under the California Environmental Quality Act (CEQA), for the reasons as set forth below.

<sup>1</sup> Assessor Parcel Numbers 218-0-030-160; 170; 180; 275; 285; 295; 305; 115; 205

P103-6

This is a copy of a letter that Christine Kemp submitted during the public comment period for the October 2004 Draft EIS/EIR. Responses to the comments from this letter are identified in this document as 2004 Comment Letter G430.

Cy Oggins  
 Lt. Ken Kusano  
 December 17, 2004  
 Page 2

P103-6  
 Continued

1. Piecemeal Analysis/Deferred Mitigation.

The draft EIS/EIR improperly cuts the project into pieces and improperly defers investigation and mitigation of several important issues.

CEQA requires that an EIR analyze "the whole of an action, which has a potential to for resulting in a physical change in the environment directly or ultimately." (CEQA Guidelines sec. 15378(a); *Bozung v. LAFCO* 13 Cal.3d 263, 283-284; *Kings County Farm Bureau v. City of Hanford* 221 Cal.App.3d 692).

Moreover, CEQA requires analysis of an entire project at the earliest feasible time in the planning process and prohibits the deferred analysis of potential impacts and proposed mitigations to a later time. (*Sundstrom v. County of Mendocino* 202 Cal.App.3d 296; *Bozung*, supra).

The draft EIS/EIR fails to analyze the full effect and mitigate the potential impacts to biological resources resulting from the LNG project. The EIS/EIR states, "*a comprehensive botanical survey has not been conducted; therefore, it is not known whether the rare or special status plants along the proposed pipeline route are present*" (EIS/EIR p. 4.8-36)

The EIS/EIR indicates that the applicant is to conduct pre-construction surveys to identify the presence or absence of special status plant populations occurring within the project area. Because biological surveys have not been completed on the proposed pipeline route, the public cannot determine what the potential significant impacts of laying the gas pipeline will be.

The EIS/EIR also improperly defers any in-depth study of potential impacts on archaeological resources to further studies, stating "*Pedestrian surveys would be conducted by a qualified archaeologist prior to all ground disturbing construction activities along parts of the alignments that have not been previously surveyed in order to complete the inventory of archaeological sites.*"; (EIS/EIR p 4.9-22) and "*If avoidance of identified resources through pipeline realignment is not feasible, additional archaeological investigations to evaluate the nature, extent and integrity of the resources would be implemented and would include a program of data recovery to reduce impacts.*" (EIS/EIR p. 4.9-23)

The failure to study all potential impacts associated with the LNG project and determine appropriate mitigation measures, leaves the EIS/EIR incomplete and legally inadequate under CEQA.

Cy Oggins  
 Lt. Ken Kusano  
 December 17, 2004  
 Page 3

P103-6 Continued

## 2. Incomplete Safety Analysis.

The EIS/EIR fails to adequately assess the potential significant safety impacts associated with the proposed gas pipeline.

The EIS/EIR points out that, "*The greatest hazard to the safety of the public and protection of property from natural gas transportation is generally a fire or explosion following a major rupture in a pipeline...*" (EIR/EIS p. 4.2-9)

The EIS/EIR then goes on to chart pipeline accidents in the United States and concludes that accidents involving deaths or injuries are "rare."<sup>2</sup> (EIS/EIR p. 4.2-36) The chart describing the pipeline accidents does not indicate the location where the accidents occurred. This information is necessary to assess the true potential safety impact related to laying the gas pipeline near populated areas.

For example, in the year 2000 the EIS/EIR lists 15 fatalities related to gas transmission pipelines. (EIS/EIR p. 4.2-36) This figure presumably includes the explosion on August 19, 2000, which killed 12 people in a remote area of southeast New Mexico. Had that accident occurred in a more populated area, such as proposed for this pipeline, the fatalities could have been far worse. Without knowing where the charted accidents occurred, the public cannot adequately assess the safety impact from the proposed gas pipeline.

In this case, the Center Road pipeline traverses portions of the City of Oxnard, is near two schools (passing directly in front of Mesa Union Junior High School) and runs through areas designated as rural single family residential, as well as through industrial parks and commercial office areas. (EIS/EIR p. 4.13-3)

The EIS/EIR points out that the unmitigated annual frequencies of significant events per pipeline mile are conservatively estimated at about 4 in 100,000 per year that a pipeline incident would result in a public injury, and 1 in 100,000 that a pipeline incident would result in a public fatality; and that these impacts "would still be potentially significant (i.e., could cause serious injury or fatality to members of the public) should an incident occur, e.g., as a result of an unintentional attack, and therefore this impact remains significant after mitigation." (EIS/EIR p. 4.2-90)

<sup>2</sup> The EIS/EIR summarizes accidental deaths indicating that 3.3 fatalities a year occur related to gas transmission pipelines, and 16.8 average fatalities occur per year related to gas distribution pipelines. Additionally, based on the charts and summary of annual incidents, the EIS/EIR indicates that, "There is a moderate chance that the project pipelines would experience a reportable incident in any year."

P103-6  
 Continued

Cy Oggins  
 Lt. Ken Kusano  
 December 17, 2004  
 Page 4

P103-6 Continued

P103-6  
 Continued

Accordingly, the risk to the public from a fire or explosion associated with a potential release of natural gas due to operational incident or natural phenomenon remains a significant unmitigated impact. (See Impacts PS-6, PS-7, PS-8)

Although the chances of a pipeline rupture may be low, the resultant damage and impact should an incident occur is extremely high. Accordingly, the pipeline should be placed in a more remote area where damage from a pipeline rupture, even if low, would not result in the loss of life and injury to nearby residents.

### 3. Incomplete Economic/Agricultural Impact Analysis.

The Araich property is in active agricultural production and improved with a sophisticated tile drainage system. Trenching and laying a 36-inch gas pipeline through the property will cause a significant impact to the Araich property.

The EIS/EIR indicates that because the project would convert less than 1 acre of prime farmland to non-agricultural use, the impact would be less than significant. Conversion of an acre of prime farmland is a significant impact and there is no proposed mitigation, making it an unmitigated impact. (EIS/EIR p. 4.5-17)

Additionally the EIS/EIR fails to discuss damages for permanent acquisition of a right of way through the Araich property, speaking only in terms of "temporary damages" for a "temporary" taking. To put a pipeline through the Araich property will require a permanent easement, not simply a "temporary" taking. The EIS/EIR is silent as to the acquisition of permanent right of way through the property. (EIS/EIR p. 4.5-18) A large gas pipeline may significantly affect the value of the property as a whole, giving rise to a severance damage claim.

Moreover, the EIS/EIR indicates that any controversy with regard to valuation and taking of property would be handled through an arbitrator. Araich has not agreed to an arbitrator. There is no way to force a landowner such as Araich to arbitration to resolve these types of issues. Additionally, purporting to provide economic damages does not mitigate for loss of agricultural land. Accordingly, the mitigation proposed for the loss of agricultural land and the mechanism for resolving issues related to compensation is inadequate.

Cy Oggins  
Lt. Ken Kusano  
December 17, 2004  
Page 5

P103-6 Continued

Please add my name to the list of persons to receive notices regarding the proposed LNG Project.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS  
A Professional Corporation

A handwritten signature in black ink, appearing to read "Clt Kemp".

Christine Gianascol Kemp

CGK:ng

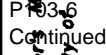
cc: James D. Schwefel, Jr. Esq.  
Client

P103-6  
Continued

**F.**

**Tax Rate Area**

218-05



P103.6  
Continued

**En Colonias, Partition Map, Scott vs. Gonzales**





P332

**Comment Form/Formulario Para Comentarios**

**Cabrillo Port LNG Deepwater Port—Revised Draft EIR**  
**Puerto de Aguas Profundas de LNG en el Puerto de Cabrillo—Borrador Revisado del EIR**

To receive a copy of the Final EIS/EIR, you must provide your name and address.  
 Para recibir una copia del EIS/EIR Final, por favor proporcionar su nombre y dirección.

Name (Nombre): Arlene Gibson

Organization/Agency (Organización/Agencia): Beacon

Street Address (Calle): 125 Bardale

City (Ciudad): Agard

State (Estado): CA Zip Code (Código Postal): 93035

email address (dirección de correo electrónico):

**Please provide written comments on the reverse  
 and drop this form into the comment box.**

**Proporcione por favor los comentarios escrito en el revés y colóque esta forma  
 en la caja del comentario.**

**You may also address any written comments  
 to the attention of:**

**Dwight E. Sanders**  
 California State Lands Commission  
 Division of Environmental Planning and  
 Management  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825  
**Include the State Clearinghouse number:**  
**2004021107**

**Comments may also be submitted via email  
 to: BHPRevisedDEIR@slc.ca.gov**

**Usted puede dirigir también cualquier  
 comentario escrito a la atención de:**

**Dwight E. Sanders**  
 California State Lands Commission  
 Division of Environmental Planning and  
 Management  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825  
**Incluir el número de State Clearinghouse:**  
**2004021107**

**Los comentarios también se pueden enviar  
 por correo electrónico a:**  
**BHPRevisedDEIR@slc.ca.gov**

**All comments must be received  
by 5 p.m. Pacific Time, May 12, 2006**

**Todos los comentarios debe ser recibido  
por 5 de la tarde, hora Pacífico, el 12 de mayo de 2006**

Comments/Comentarios (Use additional sheets if necessary/Puede utilizar hojas adicionales si es necesario):

I am opposed to LNG

P332-1

It has been proved to  
be unsafe - See LA Times  
Article

P332-2

No action will be taken until the environmental review process is completed.

No se tomará ninguna acción hasta que el proceso de revisión ambiental se haya terminado.

P332-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P332-2

Section 4.2.7 contains information on potential public safety impacts from the FSRU and LNG carriers and mitigation measures to address such impacts.

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,


Please stop Cabrillo port LNG industrial plant from progressing any further in the permit process. California law prohibits industrial intrusion on highly scenic areas. The last remaining wild areas on the Southern California Coast will be permanently despoiled if this industrial plant is installed. In fact over 10 national parks, national recreation areas, state, city and county parks will be despoiled. This would forever impact the quality of life of the areas residents and negatively impact the millions of visitors who come to hike and enjoy the seashore. In addition, federal and state governments own studies show that this project would:

- result in both short term and long term adverse impacts to the coast and it's residents.
- Increase smog levels (tons of pollutants spewing directly upwind from our houses, beaches and hiking trails.
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- be visible from all elevations in malibu from downtown Malibu all the way to Port Hueneme.
- require a "security zone" of 2.3 miles around it. (to protect from terrorism, accidents etc) which is in the same shipping channel where 10,000. container ships and oil tankers use annually.

There are many more negative impacts than the above "official" ones disclosed by the federal and state study.

PLEASE do not allow this to go forward. We, the citizens of Southern California will fight this project until it is derailed. Our money and time can be spent on projects that truly will improve the quality of life in Southern California rather than just provide an opportunity for foreign Companies to sell us gas that they and we do not need.

Sincerely,



JO GIESE  
31500 Broad Beach  
Malibu Ca

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

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Sincerely,

 BENJAMIN GILLER.

7275 BIRDVIEW AVE.  
MALIBU, CA 90265

P327

## Comment Form/Formulario Para Comentarios

Cabrillo Port LNG Deepwater Port—Revised Draft EIR  
Puerto de Aguas Profundas de LNG en el Puerto de Cabrillo—Borrador Revisado del EIR

To receive a copy of the Final EIS/EIR, you must provide your name and address.  
Para recibir una copia del EIS/EIR Final, por favor proporcionar su nombre y dirección.

Name (Nombre): OTTES GILLESPIE

Organization/Agency (Organización/Agencia): \_\_\_\_\_

Street Address (Calle): 1945 SPYGLASS TRAIL WEST

City (Ciudad): OXNARD

State (Estado): CA Zip Code (Código Postal): 93036

email address (dirección de correo electrónico):  
\_\_\_\_\_

**Please provide written comments on the reverse  
and drop this form into the comment box.**

**Proporcione por favor los comentarios escrito en el revés y colóque esta forma  
en la caja del comentario.**

**You may also address any written comments  
to the attention of:**

**Dwight E. Sanders**  
California State Lands Commission  
Division of Environmental Planning and  
Management  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825  
**Include the State Clearinghouse number:**  
**2004021107**

**Comments may also be submitted via email  
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por 5 de la tarde, hora Pacífico, el 12 de mayo de 2006**

Comments/Comentarios (Use additional sheets if necessary/Puede utilizar hojas adicionales si es necesario):

HOW ~~W~~ WILL PIPELINE CONSTRUCTION  
DISRUPT CITY TRAFFIC FLOW? HOW LONG WILL  
TRAFFIC FLOW BE DISRUPTED DURING CONSTRUCTION?  
WHAT WILL THE EMISSION ~~Q~~ TOTAL, OF HEAVY  
EQUIPMENT (ON SURFACE STREETS AND OCEAN CONSTRUCTION)  
BE ON THE CITY AND SURROUNDING AREA? WHERE  
WILL THE DIRT & DEBRIS (FROM <sup>SUB</sup>SURFACE PLACEMENT  
OF THE PIPELINE) BE PLACED? ARE THESE  
ISSUES INCLUDED IN THE E.I.R.? AND ON  
WHAT EXACT PAGE CAN I FIND THEM?

P327-1

P327-2

P327-3

P327-1

Section 2.7.1 contains information on the construction process in roadways, including traffic control, and Section 4.17.4 discusses pipeline construction impacts on transportation.

P327-2

Section 4.6.1.3 contains a revised discussion of emissions from Project construction and operations. Appendices G1 and G2 include the assumptions and emission factors used to calculate emissions.

P327-3

Section 2.7.1.6 discusses this topic.

No action will be taken until the environmental review process is completed.

No se tomará ninguna acción hasta que el proceso de revisión ambiental se haya terminado.

**From:** Ann Levin [anngistlev@sbcglobal.net]  
**Sent:** Friday, May 12, 2006 6:42 PM  
**To:** BHPRevisedDeir@slc.ca.gov  
**Subject:** DEIR Comment State Clearinghouse number: 2004021107

Attention: Dwight E. Sanders  
 California State Lands Commission  
 Division of Environmental Planning and Management  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825

State Clearinghouse Number: 2004021107  
 CSLC EIR No. 727

The proposed BHP Billiton LNG project is one of the most important decision being made right now in it's potential negative impact for the coast and all of California. I want my voice to be heard, and therefore have read almost all of the current DEIR. My comments are below.

LNG offshore will be a major change for southern California, especially given the sub-standard air quality of Ventura County and Los Angeles County. The project will add more air pollution than the DEIR describes. And if something goes amiss, it will surely require the local fire and policing services, who do not have the funds to clean up. It is a fiscal risk for the locals—here and statewide—because BHP's DEIR does not discuss taking financial responsibility in clean up. We remember the tragic downing of a commercial airplane into the sea off Port Hueneme, and how we needed to help in that tragedy.

One of the biggest problems with LNG is that it postpones the development of non-fossil sources for energy. In fact, the LNG executive who spoke expects Cabrillo to last 40 years. That is a couple of generations who will be stuck with poor air to breath. The general public is becoming aware of the possibility of global warming, and we are calling on the energy businesses to put health before money. The DEIR does not address this issue, but it should.

There is no proof that natural gas will be affordable. Instead there is a rush for energy people to buy into LNG and other polluting fuel sources. Our experience in California is that natural gas is bought and sold on spot markets, very difficult for the public to monitor, and open to manipulation. We want transparency in the energy business.

And finally, the DEIR does not adequately address the safety issues for this giant, never before tested proposal.

Sincerely,

Ann Gist Levin  
 1772 Poli Street  
 Ventura, CA 93001

P089-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P089-2

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

P089-3

Section 4.2.5 contains information on liability in case of an accident and reimbursement for local agencies.

P089-4

Sections 1.2.2, 1.2.3, 1.2.4, and 4.10.1.3 contain information on the need for natural gas, the role of foreign energy sources, and the California Energy Action Plan. Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

Sections 4.6.1.4 and 4.6.2 contain information on Project emissions of greenhouse gases and recent California legislation regarding emissions of greenhouse gases.

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

P089-5

Section 2.1 contains information on design criteria and specifications, final design requirements, and regulations governing the construction of the FSRU. The Cabrillo Port must be designed in accordance with applicable standards, and the U.S. Coast Guard has final approval. Section 4.2.4 contains information on Federal and State agency jurisdiction and cooperation. The Deepwater Port Act specifies regulations that all deepwater ports must meet; Section 4.2.7.3 contains information on design and safety standards for the deepwater port. Section 4.2.8.2 contains

P089-1

P089-2

P089-3

P089-4

P089-5

information on pipeline safety and inspections. Impact EJ-1 in Section 4.19.4 addresses additional pipeline design requirements in areas of low-income and minority communities. The EIS/EIR's analyses have been developed with consideration of these factors and regulations and in full conformance with the requirements of NEPA and the CEQA.



To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,

Please stop Cabrillo port LNG industrial plant from progressing any further in the permit process. California law prohibits industrial intrusion on highly scenic areas. The last remaining wild areas on the Southern California Coast will be permanently despoiled if this industrial plant is installed. In fact over 10 national parks, national recreation areas, state, city and county parks will be despoiled. This would forever impact the quality of life of the areas residents and negatively impact the millions of visitors who come to hike and enjoy the seashore. In addition, federal and state governments own studies show that this project would:

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There are many more negative impacts than the above "official" ones disclosed by the federal and state study.

PLEASE do not allow this to go forward. We, the citizens of Southern California will fight this project until it is derailed. Our money and time can be spent on projects that truly will improve the quality of life in Southern California rather than just provide an opportunity for foreign Companies to sell us gas that they and we do not need.

Sincerely,

Gypsy Gitt  
355 McCarthy dr #304  
Beverly Hills, Ca. 90212

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,

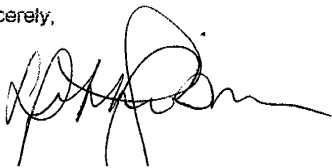
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Sincerely,



Debbie Glovin  
5961 Paseo Canyon Dr.  
Malibu, CA 90265

P.S. The company was  
very disrespectful to the  
citizens of the city of  
Malibu at the community  
meeting 4/18/06.

Dwight E. Sanders  
 California State Lands Commission  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825

Re: Revised Draft Environmental Impact Report (EIR) for  
 Cabrillo Port Liquefied Natural Gas Deepwater Port  
 State Clearinghouse number: 2004021107

Comment submitted by:

Larry Godwin (physicist, recently retired)  
 3830 San Simeon Ave  
 Oxnard, CA 93033  
[Godwinc@earthlink.net](mailto:Godwinc@earthlink.net)

April 14, 2006

I question whether there was independent third-party review as stated on  
 Executive Summary page ES-16 lines 3-4:

The USCG commissioned the authors of the Sandia guidance report to conduct a third-party technical review of the IRA that was prepared for the proposed Project in 2004.

Appendix C1 Independent Risk Assessment page ES-3 and Appendix C1  
 page 4 states that "independence was paramount in the study". In the Sandia  
 report SAND2004-6258 printed December 2004 on page 4 of the report  
 states:

To help in technically reviewing this report, the DOE commissioned an External Peer Review Panel to evaluate the analyses, conclusions, and recommendations presented. The Peer Review Panel consisted of experts in LNG spill testing and modeling, fire modeling, fire protection, and fire safety and risk management. The panel's comments and suggestions were extremely valuable in improving the technical presentation and organization of the report. The authors would like to thank the following members of the External Peer Review Panel for their valuable comments, suggestions, and directions.

Dr. Paul Croce – Vice President and Manager of Research, FM Global  
 Dr. Carlos Fernandez-Pello – Professor of Fire Sciences, University of California Berkeley  
 Dr. Ron Koopman – Consultant on LNG spills and modeling  
 Dr. Fred Mowrer – Associate Professor of Fire Protection Engineering, University of Maryland

P006-1

Dr. Koopman was the principal investigator for the Burro tests while employed by the U.S. Department of Energy's Lawrence Livermore National Laboratory. By definition, an external peer reviewer is someone who is not employed by the organization whose work is reviewed, and Dr. Koopman's role as a peer reviewer of the Sandia Guidance document was completed before the U.S. Department of Energy's Sandia National Laboratories was retained by the USCG. The USCG determined that his participation as a member of the External Peer Review Panel for the Sandia 2004 report did not pose a conflict with the review of the revised IRA, commissioned by the lead agencies, by the U.S. Department of Energy's Sandia National Laboratories.

P006-1

It is noteworthy that Ron Koopman was a member of the Peer Review Panel cited in the Sandia report for their valuable comments, suggestions and directions. A BHP handout "LNG Hazards Research" by Ronald Koopman Ph.D. P.E. dated March 2004 lists him as recently retired and currently consulting with BHP Billiton on LNG safety. A Los Angeles Times article on December 1, 2004 referred to Ron Koopman as a scientist associated with BHP. Dr. Ron Koopman was, therefore for most if not all of 2004, working as a Consultant for BHP Billiton on LNG safety.

In Appendix C the section 2 **DISPERSION BENCHMARK** uses the Burro 8 test from 1980, as stated on page 4:

Prior to simulation of the cases specific to the Cabrillo FSRU, the FDS was tested using benchmark data from the Burro 8 test executed by the U.S. Department of Energy [6]. As discussed in Havens [1], this data has been used to assess the validity of many dispersion modeling tools.

The author for this 'benchmark test' is Ron Koopman. See following footnote on Appendix C page 37:

- 6 Koopman, R.P., J. Baker, et al., "LLNL/NWC 1980 LNG Spill Tests. Burro Series Data Report" Lawrence Livermore Laboratory, December 1982, UCID-19075-Vol.1.

The involvement of Koopman working as a consultant for BHP Billiton for any part of these reports and any recommendations based on these reports questions impartiality and the 'independent risk assessment'. The revised draft EIR can not be certified until these reports are redone without his involvement to assure that the reports and recommendations are impartial.

Appendix C1 page 2-7 states that "LNG is 95% methane in liquid form", while section 4.2 Public Safety, page 4.2-18 lines 10 though 15 states:

LNG is composed primarily of 85 to 96 percent methane with other light hydrocarbon components, such as propane, ethane, and butane.

Since there are no assurances as to where the LNG will come from, the 85% number must be used. Appendix C must account for 15% propane, ethane and butane in determining dispersion hazard zones. All three gases have vapor specific gravity greater than air at ambient temperature and propane has a LFL of 2.1% (much lower than methane). Since the FSRU has a storage capacity of approximately 273,000 cubic meters, 40,950 cubic meters of the LNG must be assumed to be propane, ethane and butane. One must also assume that if the methane in a vapor cloud becomes buoyant

## P006-1 Continued

P006-1  
Continued

## P006-2

Dr. Koopman did not work on the IRA prepared for this analysis or the review of the IRA, which was conducted by the U.S. Department of Energy's Sandia National Laboratories.

## P006-3

The information in Section 4.2 is general information on the characteristics of LNG. More specific information is in Section 2.2.1.

## P006-4

Sections 1.3 and 2.2.1 discuss potential sources of natural gas that would be imported for the proposed Project. Section 4.6.2 also contains information on the properties of the natural gas that would meet California's requirements for pipeline-quality gas.

The analysis for the IRA was based on the composition of natural gas from Western Australia's Scarborough offshore gas field, which does not contain sufficient heavier than air components to affect the dispersion calculation significantly.

P006-2

P006-3

P006-4

these gases will separate from the vapor cloud and remain on the surface extending the maximum distance to LFL of these gases. The revised draft EIR can not be certified until new dispersion hazard zones are determined.

The FERC report, *Consequence Assessment Methods for Incidents Involving Releases from Liquefied Natural Gas Carriers*, 1288209 May 13, 2004 states on page iii

"In the particular case of the methods of interest here (i.e. methods for large release from LNG carriers), some important issues include:

- No release models are available that take into account the true structure of an LNG carrier, in particular the multiple barriers that the combination of cargo tanks and double hulls in current LNG carriers provide
- No pool spread models are available that account for wave action or currents
- Relatively few experimental data are available for validation of models involving LNG spills on water, and there are no data available for spills as large as the spills considered in this study" [12,500 cubic meters of LNG was the largest spill modeled]

The use of the Burro 8 test, as benchmark data, to assess the validity of dispersion models is improper. Because of the complexity of LNG spills, it is scientifically impossible to validate the models used to predict or model large volume LNG spills in the ocean by pouring a small volume of LNG (less than 10,000 gallons) on a undersized pond in the desert. Spill tests of LNG (with 15% propane, ethane and butane) with volumes of 50,000 to 300,000 cubic meters must be done, in the open ocean, to validate the computer models before the revised draft EIR can be certified.

P006-4  
Continued

P006-4 Continued

P006-5

P006-5

The Project is regulated by the USCG and MARAD under the authority of the Deepwater Port Act. FERC's regulations are prescriptive and standardized to address the general siting of onshore LNG terminals. In contrast, due to various different designs of deepwater ports, the USCG conducts site-specific independent risk and consequence analyses using the most recent guidance and modeling techniques. The guidance used for Cabrillo Port is Sandia National Laboratories' "Guidance on Risk Analysis and Safety Implications of a Large Liquefied Natural Gas (LNG) Spill Over Water." This report recommends a framework for analyses of large LNG spills onto water. It was prepared for the U.S. Department of Energy (DOE), and an external peer review panel evaluated the analyses, conclusions, and recommendations presented.

P006-6

The lead agencies directed preparation of the Independent Risk Assessment (IRA), and the U.S. Department of Energy's Sandia National Laboratories independently reviewed it, as discussed in Section 4.2 and Appendix C.

Section 4.2.7.6 and the IRA (Appendix C1) discuss the models and assumptions used and the verification process. Sandia National Laboratories (Appendix C2) concluded that the models used were appropriate and produced valid results.

P006-6

To date, there has never been a large spill of LNG to water. Conducting a large LNG spill to validate the models would result in adverse environmental consequences. However, models are commonly validated using experimental data. Section 2.3.4.2 of Appendix C1 contains information on tests executed by the U.S. Department of Energy and the calibration/verification of the Fire Dynamics Simulator model used in the Independent Risk Assessment. Appendix C1 provides additional information on this topic and Appendix C2, prepared by the U.S. Department of Energy's Sandia National Laboratories, contains information on the review and assessment of the models used.

Dwight E. Sanders  
 California State Lands Commission  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825

Re: Revised Draft Environmental Impact Report (EIR) for  
 Cabrillo Port Liquefied Natural Gas Deepwater Port  
 State Clearinghouse number: 2004021107

Comment submitted by:

Larry Godwin (physicist, recently retired)  
 3830 San Simeon Ave  
 Oxnard, CA 93033  
[Godwinc@earthlink.net](mailto:Godwinc@earthlink.net)

April 22, 2006

Comments on 4.1.8.5 Meteorology and Climate.

Buoy 46025 is listed on page 4.1-7 as 8 miles from the FSRU site. On page 4.1-13 it is stated that the FSRU site is located several miles North of buoy 46025. This implies that data from buoy 46025 can be used as data from the FSRU site, which is not proven.

Atmospheric soundings are presented as indicative of weather conditions at the FSRU site. The atmospheric soundings, page 4.1-22, are used from Vandenberg Air Force Base in Santa Barbara County on a West-facing beach approximately 95 miles to the North. The FSRU is off a South-facing beach. Atmospheric soundings and wind data from Naval Air Warfare Center Weapons Division Point Mugu should be presented, since Mugu is less than 20 miles from the FSRU.

Weather data should be presented from the National Weather Service office in Oxnard.

P019-1

As stated in Section 4.1.8, "NOAA Buoy 46025 is approximately 7 nautical miles (NM) (8.05 statute miles or 13 kilometers ([km]) south of the FSRU site..." Section 4.1.8 contains additional information on how buoys were selected for evaluation.

P019-2

Information of this type from Point Mugu is not available to the public; however, the information from Vandenberg Air Force Base is applicable to the region.

P019-3

Section 4.1.8 contains a detailed description of the marine climatic setting at the proposed Project. The EIS/EIR uses the best available data, as referenced in the section, to represent meteorological conditions at the FSRU.

P019-1

P019-2

P019-3

2.4.1.4 and 2.4.1.5 discusses installation of blowdown assemblies for controlled venting of the pipelines. I was unable to locate any discussion of how many times per year this might be used and if the gas is vented into the atmosphere and how much pollution might be generated.

4.4.1.2 there is no discussion of the potential view of the FSRU from the homes on Surfside Drive at Port Hueneme beach.

P019-4

P019-4

Section 2.4.1.5 contains additional information on proposed planned releases from blowdown assemblies. The natural gas that would be released from an assembly would primarily be composed of methane.

P019-5

P019-5

Section 4.4 and Appendix F contain information on visual resources, impacts, and mitigation. Appendix F describes how visibility from various distances was evaluated and provides additional simulations prepared for viewpoints at elevated sites along the Malibu coastline and inland areas.

# **Comment Form/Formulario Para Comentar**

P337

**Cabrillo Port LNG Deepwater Port—Revised Draft EIR**  
**Puerto de Aguas Profundas de LNG en el Puerto de Cabrillo—Borrador Revisado del EIR**

To receive a copy of the Final EIS/EIR, you must provide your name and address.  
 Para recibir una copia del EIS/EIR Final, por favor proporcionar su nombre y dirección.

Name (Nombre): Scott Godwin (resident of Oxnard and Port Hueneme)

Organization/Agency (Organización/Agencia): Saviers Road Design Team

Street Address (Calle): 2520 Madera Circle # 110

City (Ciudad): Port Hueneme, CA

State (Estado): CA Zip Code (Código Postal): 93041

email address (dirección de correo electrónico):  
 \_\_\_\_\_

**Please provide written comments on the reverse  
 and drop this form into the comment box.**

**Proporcione por favor los comentarios escrito en el revés y colóque esta forma  
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**Dwight E. Sanders**

California State Lands Commission  
 Division of Environmental Planning and  
 Management  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825

**Include the State Clearinghouse number:  
 2004021107**

**Comments may also be submitted via email  
 to: BHPRevisedDEIR@slc.ca.gov**

**Usted puede dirigir también cualquier  
 comentario escrito a la atención de:**

**Dwight E. Sanders**

California State Lands Commission  
 Division of Environmental Planning and  
 Management  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825

**Incluir el número de State Clearinghouse:  
 2004021107**

**Los comentarios también se pueden enviar  
 por correo electrónico a:  
 BHPRevisedDEIR@slc.ca.gov**



**All comments must be received  
by 5 p.m. Pacific Time, May 12, 2006**

**Todos los comentarios debe ser recibido  
por 5 de la tarde, hora Pacífico, el 12 de mayo de 2006**

Comments/Comentarios (Use additional sheets if necessary/Puede utilizar hojas adicionales si es necesario):

There is no need to use Liquefied Natural Gas as an energy source when there are other viable resources such as electricity and solar energy. The tankers and pipelines used to import the Liquefied Natural Gas will endanger the lives of Ventura County residents and visitors. Are we going to die for the price of Liquefied Natural Gas supplied by BHP Billiton?

P337-1

P337-2

#### P337-1

Sections 1.2.2, 1.2.3, 1.2.4, 3.3.1, 3.3.2, and 4.10.1.3 contain information on the need for natural gas, the role and status of energy conservation and renewable energy sources, and the California Energy Action Plan.

Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

#### P337-2

Section 4.2 and Appendix C contain information on public safety.

Section 4.2.7.6 and the Independent Risk Assessment (Appendix C1) contain information on public safety impacts from various incidents at the FSRU. The analysis indicates that the maximum impact distance of an accident would involve a vapor cloud dispersion extending 6.3 nautical miles (7.3 miles) from the FSRU. The FSRU would be located approximately 12.01 nautical miles (13.83 miles) offshore; therefore, consequences of an accident involving LNG transport by carrier and storage on the FSRU would extend no closer than 5.7 nautical miles (6.5 miles) from the shoreline. Figure ES-1 depicts the consequence distances surrounding the FSRU location for worst credible events.

No action will be taken until the environmental review process is completed.

No se tomará ninguna acción hasta que el proceso de revisión ambiental se haya terminado.

Cabrillo Port LNG revised DEIR  
State Clearinghouse No. 2004021107

Submitted by:  
Shirley Godwin  
3830 San Simeon Ave.  
Oxnard, CA 93033

## 1.0 INTRODUCTION

### 1.2 PROJECT PURPOSE, NEED, AND OBJECTIVES

page 1-7, line 6-8 Without evidentiary hearings with sworn testimony, there is not impartial evidence of need of imported LNG. It is the project applicant that states the need for this project.

### 1.2.3 NATURAL GAS NEED IN CALIFORNIA

page 1-10, line 28-41 In the DEIR, the California Energy Action Plan II is quoted in the discussion of need. This discussion is deceptive by omission. The text of California Energy Action Plan II section 6 Natural Gas Supply, Demand, and Infrastructure states, "To ensure reliable, long-term natural gas supplies to California at reasonable rates, the agencies must reduce or moderate demand for natural gas ..." See balance of text below.

Also the California Energy Action Plan II section 6 lists eight "Key Actions." However, the DEIR only references three key actions from that plan and in a different order: bullets 1, 2, and 3 are actually #'s 5, 3 and 4 in the California Energy Action Plan II. The other five key actions in section 6 are equally important and should be included. They show the intent in the Plan beyond the need for importing LNG into California.

See below for the entire text of California Energy Action Plan II, section 6:

## 6. Natural Gas Supply, Demand, and Infrastructure

To ensure reliable, long-term natural gas supplies to California at reasonable rates, the agencies must reduce or moderate demand for natural gas. Because natural gas is becoming more

### P010-1

Section 1.2.1 contains information on the USCG and State formal hearings.

Following publication of this Final EIS/EIR, MARAD, the USCG, and the CSLC will serve public notice and hold final hearings. MARAD and the USCG will hold a final DWPA license hearing in accordance with 33 CFR 148.222. After the final license hearing is concluded by MARAD and the USCG, the Commandant (CG-3PSO), in coordination with the Administrator of MARAD, will consider any requests for a formal hearing as specified in 33 CFR 148.228. The CSLC will hold a hearing to certify the EIR and make the decision whether to grant a lease.

P010-1

P010-2

As discussed in Section 1.2.1, the California Energy Commission (CEC) and California Public Utilities Commission (CPUC) must "carry out their respective energy-related duties and responsibilities based upon information and analyses contained in a biennial integrated energy policy report adopted by the CEC." Section 1.2.1 also describes the public process that is used to develop the Integrated Energy Policy Reports to ensure that California's energy-related interests and needs are met.

Section 1.5 contains information on opportunities for public comment. After the MARAD final license hearing, the public will have 45 days to comment on the Final EIS/EIR and the license application. The Federal and State agencies will have an additional 45 days to provide comments to the MARAD Administrator. The Administrator must issue the Record of Decision within 90 days after the final license hearing. The CSLC will hold a hearing to certify the EIR and make the decision whether to grant a lease. The California Coastal Commission will also hold a hearing. Comments received will be evaluated before any final decision is made regarding the proposed Project.

### P010-2

The text in Section 1.2.3 summarizes the points most relevant to the proposed Project. All eight points from the California Energy Action Plan II are included in Section 4.10.1.3, "California Energy Action Plan," and a statement referencing the reader to this section has been added to Section 1.2.3. Section 4.10.1.3 also contains information from the 2005 Energy Action Plan regarding energy conservation and renewable energy sources.

expensive, and because much of electricity demand growth is expected to be met by increases in natural gas-fired generation, reducing consumption of electricity and diversifying electricity generation resources are significant elements of plans to reduce natural gas demand and lower consumers' bills. California must also promote infrastructure enhancements, such as additional pipeline and storage capacity, and diversify supply sources to include liquefied natural gas (LNG).

**KEY ACTIONS:**

1. Adopt additional natural gas and electric efficiency programs and standards to reduce the reliance on natural gas for various end uses.
2. Establish a program to encourage solar hot water heating to reduce the reliance on natural gas for water heating.
3. Provide that the natural gas delivery and storage system is sufficient to meet California's peak demand needs.
4. Encourage the development of additional in-state natural gas storage to enhance reliability and mitigate price volatility.
5. Continue the State's LNG Interagency Permitting Working Group and develop a process to facilitate the prompt and environmentally-sensitive evaluation and siting of needed LNG facilities.
6. Establish standards for the timing of and payment for new transmission and storage capacity additions and for access to natural gas transmission systems.
7. Evaluate the appropriateness of current rules for natural gas quality.
8. Provide ongoing assessments of global natural gas markets.

Cabrillo Port LNG revised DEIR  
State Clearinghouse No. 2004021107

Submitted by:  
Shirley Godwin  
3830 San Simeon Ave.  
Oxnard, CA 93033  
April 21, 2006

#### 4.5-20 Agriculture and Soils

MMAGR-1d Post-Construction Restoration Measures, line 37-40

There is no mention of removal of irrigation pipelines and irrigation system components in the right-of-way through agricultural land. Removal of part of the irrigation system could impact the whole irrigation system for an entire parcel of farmland. The DEIR only mentions the drain tiles.

P016-1

As stated in the March 2006 Revised Draft EIR in Section 4.5.4, "Substructures, such as drain tiles, would be protected during construction and replaced if damaged." The term substructures refers to any underground improvements affected by the construction of the proposed pipelines, of which drain tiles is but one example. The text has been revised, however, to more specifically include irrigation systems.

P016-1

Cabrillo Port LNG revised DEIR  
State Clearinghouse No. 2004021107

Submitted by:  
Shirley Godwin  
3830 San Simeon Ave.  
Oxnard, CA 93033  
April 22, 2006

Adding the odorant at the FSRU to address concerns is listed as a major change from the Oct. 2004 DEIR. But this does not address the safety concerns of storing and adding odorant at the onshore metering building. In the new DEIR in section 2.0, "Hazardous Materials and Lubricant Management, Natural Gas Odorization," there is discussion of the extreme hazard and flammability of the odorant on the FSRU. However, in section 2.4.1.3, "Backup Odorant Injection System," the DEIR states that odorant will be stored and injected directly into the pipeline at the onshore metering station. Yet, there is no mention of the hazard and flammability of the odorant at this onshore building. Section 4.2.7 in the "Public Safety: Hazards and Risk Analysis" also states that additional odorant will be added onshore but does not describe the onshore hazards.

P017-1

The main odorant station is located on the FSRU with a smaller backup odorant facility onshore. Sections 2.4.1.3, 4.2.7, 4.7.4, 4.12, and 4.18.4 contain information on this topic.

As discussed in Section 2.4.1.3, the backup odorant injection system at the Reliant Energy Ormond Beach Generating Station would consist of a 60-gallon aboveground, non-pressurized storage vessel; a concrete containment pad; and a pump. The tank and associated equipment would be enclosed within secondary containment, designed to contain 110 percent of the volume of the tank, and a wall barrier. The facility is designed to reduce or eliminate any hazard to the public.

P017-1

Cabrillo Port LNG revised DEIR  
State Clearinghouse No. 2004021107

Submitted by:  
Shirley Godwin  
3830 San Simeon Ave.  
Oxnard, CA 93033

April 23, 2006

4.16.1.2 Socioeconomic Onshore  
Page 4.16-9 - 4.16-11 Onshore projected Workforce and Housing

There is no discussion of the common requirement in Ventura County for a minimum one year lease for rental housing and apartments.

There is no discussion of the high cost of rental housing in Ventura County.

There is no discussion of the substantial security deposits required for rental housing and apartments.

There is no discussion of the maximum length of stay allowed in both Ventura County and State of California campgrounds. These are public recreational campgrounds, and none allow nine month stays.

There is no discussion of length of stays allowed in motels/hotels. The City of Port Hueneme has an ordinance limiting the length of stays in motels/hotels.

Ventura County is a popular tourist/vacation area and motels/hotels are filled by tourists, short term business travelers, and conventions.

P020-1

As discussed in Section 4.16.1.2, the 200 to 240 workers required for Project construction may already live in the area. Even if 240 workers were to seek temporary accommodations, they would represent less than 3 percent of the 10,450 units identified in Table 4.16-8. As stated, temporary housing is also available as rental units. Although some accommodations may have stay limits, an adequate number of units would still be available to meet projected housing needs.

Section 4.16 contains information regarding the scope of analysis of socioeconomic impacts as required under the National Environmental Policy Act and the California Environmental Quality Act. "According to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), economic or social effects are to be considered when there is a linkage to a physical effect."

P020-1

As discussed in Section 4.16.3, the Project would not induce a substantial increase in the short- or long-term demand for housing in excess of existing and projected capacities or cause the vacancy rate of temporary housing to fall to less than 5 percent. The population during construction would increase by less than 0.05 percent from the current population base in Ventura and Los Angeles Counties.

P020-2

Thank you for the information.

P020-2

April 24, 2006

Dwight E. Sanders  
California State Lands Commission  
Division of Environmental Planning & Management  
100 Howe Avenue Suite 100-South  
Sacramento, CA 95825

Dear Mr. Sanders:

Thank you for all your hard work to insure the hearings on the Cabrillo Port LNG revised Draft EIR were well run. You and your staff were polite, well organized and ran the meetings in a very professional manner.

Many of those attending the meetings were nervous about speaking in public and you made them feel confident that they were being heard and their comments were being taken seriously.

Thank you for ensuring the hearings were fair and giving all sides a proper forum to express their views.

Sincerely,



Shirley Godwin  
Saviers Road Design Team  
Oxnard, CA

V226-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

V226-1

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,

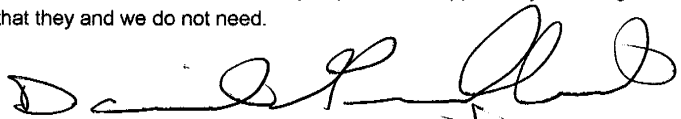
Please stop Cabrillo port LNG industrial plant from progressing any further in the permit process. California law prohibits industrial intrusion on highly scenic areas. The last remaining wild areas on the Southern California Coast will be permanently despoiled if this industrial plant is installed. In fact over 10 national parks, national recreation areas, state, city and county parks will be despoiled. This would forever impact the quality of life of the areas residents and negatively impact the millions of visitors who come to hike and enjoy the seashore. In addition, federal and state governments own studies show that this project would:

- result in both short term and long term adverse impacts to the coast and it's residents.
- Increase smog levels (tons of pollutants spewing directly upwind from our houses, beaches and hiking trails.
- contain 14 story high pollution spewing industrial towers with lines of support ships which forever will be our new horizon. This towers will be brightly lit at night being a 24 hour eye sore .
- harbor the possibility of a 14 mile wide explosive flash fire due to an accident of terrorist attack.
- be visible from all elevations in malibu from downtown Malibu all the way to Port Hueneme.
- require a "security zone" of 2.3 miles around it. (to protect from terrorism, accidents etc) which is in the same shipping channel where 10,000. container ships and oil tankers use annually.

There are many more negative impacts than the above "official" ones disclosed by the federal and state study.

PLEASE do not allow this to go forward. We, the citizens of Southern California will fight this project until it is derailed. Our money and time can be spent on projects that truly will improve the quality of life in Southern California rather than just provide an opportunity for foreign Companies to sell us gas that they and we do not need.

Sincerely,

  
DAVID GILBERT  
30707 MANZANO DR  
MALIBU 90265



P428

2006/P428

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,

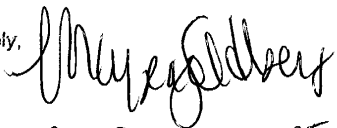
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Sincerely,



MARSHA GOLDBERG  
1725 Red cliff st  
Los Angeles, CA  
90026

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,

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Sincerely,

Mauricio Gomez  
Mauricio Gomez 8934 1/2 Reading Ave  
LA CA 90045

**From:** Gonzales, Jesus [jesus.gonzales@lmco.com]  
**Sent:** Wednesday, April 19, 2006 3:04 PM  
**To:** kkusano@comdt.uscg.mil; ogginsc@slc.ca.gov; governor@governor.ca.gov; mike.chrisman@resources.gov; tt@calepa.ca.gov; BHPRevisedDEIR@slc.ca.gov  
**Cc:** Anderson, Melissa A; EnviroDad1@aol.com; GARY SILVERMAN; Jesus and Teresa Gonzales; Lisagrimes1@aol.com; Welch, Tye; William.M.Torrence@usdoj.gov  
**Subject:** Cabrillo Liquified Natural Gas Deepwater Port

To Whom It May Concern:

I would like to register my complete disagreement with and lack of support for the above-referenced project. I am prepared and dedicated to do everything in my power to make sure that the selection of Oxnard as home for this LNG line fails. Through my vote, political donations, campaigning with my neighbors, etc., I will fight this every step of the way. Please find another location which will take into account the environmental and terrorist threats/risks, aesthetics, property values, etc.  
Jesus J. Gonzales, Oxnard, CA

V017-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

V017-2

Sections 4.6.4 and 4.18.4 discuss the Project's potential impacts to air and water quality. Table 4.2-2 and Sections 4.2.6.1 and 4.2.7.6 contain information on the threat of terrorist attacks. Section 4.4.4 addresses aesthetic impacts, and Section 4.16.1.2 contains information on property values.

| V017-1

| V017-2

From: Lauren Gott [laurenshammer@hotmail.com]  
 Sent: Friday, May 12, 2006 1:49 AM  
 To: BHPRevisedDEIR@slc.ca.gov  
 Subject: Ventura County

To Whom It Should Concern, i.e., our State Lands Commission:

Please vote no on BHP Billiton's LNG terminal. Reasonable people all over the state of California are opposed to this for many good reasons. We are writing today about our primary concern, which is the environment (without it, human beings cannot sustain life!).

If BHP Billiton is allowed to build this dirty terminal, what's left of (about 10% of the original) coastal wetlands (wetlands are the web of life on this planet) would be threatened unnecessarily up and down California's coast.

Thank you for considering the opinion of your constituents and denying that nasty project based on overwhelming lack of support.

Best,  
 Longtime Registered California Voters Stephen & Lauren Gottlieb

---

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<http://messenger.msn.click-url.com/go/onm00200471ave/direct/01/>

#### P074-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

#### P074-2

The Applicant has completed a wetland delineation (using Army Corps of Engineers definitions and California Coastal Commission and California Department of Fish and Game wetland definitions where appropriate) identifying wetlands and waters of the United States along the Project pipeline routes and at the proposed metering stations. Section 4.8.4 addresses potential impacts on wetlands. Mitigation measures presented in Section 4.8.4 have been developed to avoid, minimize, or reduce impacts on wetlands and waters of the United States during construction activities. Tables 4.18-5 and 4.18-6 also provide descriptions of the waterbodies, most of which are concrete flood control channels or agricultural drains, along the proposed pipelines and alternatives.

P074-1

P074-2

**From:** Ali Grace [aligrace2001@yahoo.com]  
**Sent:** Friday, May 12, 2006 7:35 PM  
**To:** BHPRevisedDEIR@slc.ca.gov  
**Subject:** LNG Oxnard

Thanks for extending the deadline for the public comment period, so that as a resident of Mandalay Shores, located at the edge of the half-mile string of signs curiously posted along Harbor Drive "BEWARE: HIGH PRESSURE GAS LINE" and "ONSHORE LNG FACILITY SITE" you let me know that even at this late point, my opinion counts.

I understand the practicality of the use of existing oil rigs and, of course, the virgin sand dunes adjoining our residential neighborhood in an experimental LNG project. Danger? Of a "HIGH PRESSURE GAS LINE" along the ocean shelf subject to seismic activity, and of course, near the Oxnard Airport, where any nut can fly into a well-marked explosive pipe field? Minimal, compared with the revenue the LNG experiment may generate.

Hats off to BHP Billiton and the others focusing on the bottom line: why multiply the expense of engineering experimental gas pipes to enter a remote area of the coastline (far from family neighborhoods) *when you're not even sure that the underwater engineering will work?*

And hats off to you, the State Lands Commission, which have so much to deal with behind the scene, for your political sensitivity of the safety of the youth at the (Hispanic) Oxnard high schools, and for political correctness in considering the importance of the bird sanctuary of Ormond Beach. Simply brilliant politics, to sacrifice instead a small middle class white neighborhood that will be hardly noticed.

Maria Shriver's radio campaign encourages emergency preparedness focusing on earthquakes. Perhaps Maria could intercede for this neighborhood in granting State of California tax credits for the Mandalay Shore residents purchase of emergency gas masks and asbestos suits. **Perhaps she could even come here and present seminars on how we can "BEWARE: HIGH PRESSURE GAS LINE" when explosive gas floats to the surface of the ocean, undetected, and blows inward toward a neighborhood outdoor gas grill.**

---

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P095-1

P095-1

The Mandalay Shores residential community is located near the Reliant Energy Mandalay Generating Station, which is analyzed in this document as an alternative shore crossing location. Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P095-2

P095-2

Chapter 2 describes the Project, which involves the installation and use of a floating storage regasification unit that would be located 12.01 nautical miles (13.83 miles or 22.25) from shore. Another proposed project would convert Platform Grace located in the Federal outer continental shelf into an LNG receiving facility. See Section 3.3.8.1. Sections 2.1 and 4.2.7.3 contain information on design criteria and specifications, final design requirements, and regulations governing the construction of the FSRU and LNG carriers.

P095-3

Section 4.11 and Appendices J1 through J4 contain information on seismic and geologic hazards.

P095-4

Mitigation Measure MT-3f in Section 4.3.4 contains information on the live radar and visual watch that would be required at the deepwater port at all times to detect and identify approaching aircraft.

P095-5

P095-3

Section 2.3.2 describes how the subsea pipelines would come ashore, extend beneath the beach and terminate at the proposed metering station on the existing Reliant Energy Ormond Beach Generating Station to tie into the SoCalGas system.

Section 2.1 contains information on design criteria and specifications, final design requirements, and regulations governing the construction of the FSRU. The Cabrillo Port must be designed in accordance with applicable standards, and the U.S. Coast Guard has final approval. Section 4.2.4 contains information on Federal and State agency jurisdiction and cooperation. The Deepwater Port Act specifies performance levels that all deepwater ports must meet; Section 4.2.7.3 contains information on design and safety standards for the deepwater port. Section 4.2.8.2 contains information on pipeline safety and inspections. The EIS/EIR's analyses have been developed with consideration of these factors and regulations and in full conformance with the requirements of NEPA and the CEQA.

## P095-4

As stated in Section 1.3, [t]he Final EIS/EIR addresses the entire proposed Project in accordance with terms set out in NEPA and the CEQA that require presentation of environmental impacts. Section 4.13.1 discusses sensitive land uses in proximity to proposed and alternative pipeline routes, such as schools. There are no schools in the immediate vicinity of either of the proposed pipeline routes. Section 4.2.8 describes regulations regarding pipelines, including the requirement to establish public education programs to prevent and respond to pipeline emergencies. Section 4.19 addresses environmental justice issues.

## P095-5

As described in Chapter 2, LNG would only be present on LNG carriers and on the FSRU, which would be located 12.01 nautical miles (13.83 miles or 22.25 km) offshore. LNG would be regasified offshore and transported as natural gas through subsea pipelines to onshore pipelines.

Section 2.3.1 contains information on leak detection procedures for the offshore pipelines. The analysis in Section 4.2.7.6 and the Independent Risk Assessment (Appendix C1) indicates that the maximum impact distance of an accident would involve a vapor cloud dispersion extending 6.3 nautical miles (7.3 miles or 11.7 km) from the FSRU; therefore, consequences of an accident involving LNG would extend no closer than 5.7 nautical miles (6.5 miles or 10.6 km) from the shoreline.

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,


Please stop Cabrillo port LNG industrial plant from progressing any further in the permit process. California law prohibits industrial intrusion on highly scenic areas. The last remaining wild areas on the Southern California Coast will be permanently despoiled if this industrial plant is installed. In fact over 10 national parks, national recreation areas, state, city and county parks will be despoiled. This would forever impact the quality of life of the areas residents and negatively impact the millions of visitors who come to hike and enjoy the seashore. In addition, federal and state governments own studies show that this project would:

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There are many more negative impacts than the above "official" ones disclosed by the federal and state study.

PLEASE do not allow this to go forward. We, the citizens of Southern California will fight this project until it is derailed. Our money and time can be spent on projects that truly will improve the quality of life in Southern California rather than just provide an opportunity for foreign Companies to sell us gas that they and we do not need.

Sincerely,

 SCOTT R Gregon  
1210 W FST WILMINGTON  
90744

**From:** cagey@att.net  
**Sent:** Wednesday, April 19, 2006 1:01 PM  
**To:** BHPRevisedDEIR@slc.ca.gov; kkusano@comdt.uscg.mil; ogginsc@slc.ca.gov; governor@governor.ca.gov; mikechrisman@resources.gov; tt@CalEPA.ca.gov  
**Subject:** State Clearinghouse #2004021107

Gentlemen,

It is hard for me to comprehend that the Cabrillo LNG Deepwater Port is still being considered for the Oxnard area. In light of the fact this site is in the middle of a designated marine sanctuary and protected wetland, located in close proximity to a major Naval base, as well as a significant population center, Oxnard seems to be, on its face, an ill-suited candidate for an LNG plant.

Perhaps because Oxnard is primarily low-income, agrarian and/or Spanish-speaking, the government feels it can sneak industrial blight in on its unsuspecting populace. More sophisticated communities with greater resources have successfully sent BHP packing...to places with less power, money and advocacy. Places like Oxnard, with common working people naive to the ways of slick operators.

I'm sure this topic is addressed somewhere in the 2,500-odd pages of the revised impact study...if only the common man could find it. I look forward to your response by return e-mail.

Kathleen Grundhofer

P011-1

The deepwater port would be 12.01 nautical miles (13.83 miles) offshore, as shown on Figure ES-1. Table 2.1-1 identifies the general location and specific coordinates for the various Project facilities.

The FSRU would be located outside of the current boundary of the Channel Islands National Marine Sanctuary (CINMS) and vessels associated with Cabrillo Port operations would not be expected to enter the CINMS. Sections 4.7.1.4, 4.13.2.2, and 4.20.1.5 discuss the potential expansion of the CINMS boundary, which is not proposed at this time.

P011-1

P011-2

As described in Section 2.3.2, the shore crossing would be installed beneath Ormond Beach. Sections 4.8.1 and 4.14.1.2 discuss Ormond Beach wetlands. Section 4.8.4 discusses mitigation measures to minimize impacts on wetlands. During construction, the horizontal directional boring activities would be contained within the Reliant Energy property, and the pipeline would be buried underneath the beach. This topic is discussed further in Sections 4.15.4 and 4.2.8.4. Updated information about the restoration efforts at Ormond Beach is included in Section 4.13.2.

P011-3

P011-4

Section 4.3.4 contains information on potential impacts associated with the increased vessel traffic due to the proposed Project. The FSRU would be located 3.5 NM (3.54 miles) from the eastern boundary of the Point Mugu Sea Range (Pacific Missile Range). Impacts MT-5 and MT-6 in Section 4.3.4 address potential Project impacts on Naval and Point Mugu Sea Range operations.

The Point Mugu Shore Crossing/Casper Road Pipeline Alternative would cross the Naval Base Ventura County (NBVC) Point Mugu to unincorporated lands in Ventura County. This Project alternative is discussed in Section 3.4.3.1 and its impacts are discussed throughout Chapter 4.

P011-2

Sections 4.19.1 and 4.19.4 contain information on potential Project impacts on minority and low-income communities and mitigation measures to address such impacts. Sections 1.5 and 4.19 contain information on outreach to the Spanish-speaking community, including the availability of Project documents in Spanish and Spanish translation at public hearings for the Project. The October 2004 Draft EIS/EIR, the March 2006 Revised Draft EIR, and the Final EIS/EIR have all been published in Spanish. Comments in Spanish have been translated and responses are included in this document.



P011-3

Table 1.4-1 lists the topics and issues raised during scoping and in public comments on the October 2004 Draft EIS/EIR and the March 2006 Revised Draft EIR, and it indicates where in the document a discussion of the issues can be found.

P011-4

In accordance with NEPA and the CEQA regulations, the lead Federal and State agencies have responded specifically to all comments, both oral and written, that concern the Project's environmental issues received during public comment periods. All comments and responses are included in the Final EIS/EIR.

M. A. Guerra  
1151 West Fir Ave  
Oxnard, California 93033  
April 18, 2006

Dwight Sanders,  
California State Lands Commission  
1000 Howe Ave., Suite 100  
South Sacramento, Ca 95825

Dear Mr. Sanders

Liquefied Natural Gas, we do not want in our California Coast! My concerns are as follows: California should not allow out side forces push their **greedy, selfish maneuvers** to profit by building the proposed Liquefied Natural Gas terminals off the shores of our homes.

A key environmental report just recently released provided me issues of anxiety and concern in my mind. After thoroughly studying this project, I am not convinced that this process is safe. California and especially my home of Oxnard should not be the experiment for a greedy company from the far away place of Australia. I do not care how much money BHP Billiton has spent on charming the governor and other states leaders.

Logically the idea of a "floating terminal" of our coast is truly **scary and menacing. My concerns are:**

1. **Earthquakes**
2. **Terrorist invasions**
3. **Air pollution!**
4. **Our marine environment**
5. **People environment.**
6. **We do not need unnecessary pollutions.**

The Governor of California, has final approval depending on the influence of the CLC, please we need to let him know that we do not want it! It is not safe! California has always been an innovator and progressive, we need alternative SAFE renewable sources of energy.

  
Respectfully Avic Guerra, Oxnard

1151 West Fir Ave

Oxnard, Ca 93033

P359-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P359-2

Section 4.2 and Appendix C contain information on public safety.

P359-3

Section 4.11 contains information on seismic and geologic hazards and mitigation that specifically addresses the potential damage to proposed pipelines from a direct rupture along fault lines. Appendices J1 through J4 contain additional evaluations of seismic hazards.

P359-1

P359-2

P359-4

Table 4.2-2 and Sections 4.2.6.1 and 4.2.7.6 contain information on the threat of terrorist attacks.

P359-5

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

P359-3

P359-4

P359-5

P359-6

P359-7

P359-6

Sections 4.7.4 and 4.18.4 discuss potential impacts to marine life and water quality.

P359-7

Sections 4.6.4 and 4.18.4 discuss the Project's potential impacts on air and water quality. Sections 4.7.4 and 4.8.4 discuss the Project's potential effects on the marine and terrestrial environments.

From: Deal Hunter [dealhunting@hotmail.com]  
Sent: Saturday, April 22, 2006 4:55 AM  
To: BHPRevisedDEIR@slc.ca.gov  
Subject: OPPOSE

I oppose the LNG project. The energy crisis is a verified scam. I've heard that there is an un-tapped source somewhere in Alaska. BHP Billiton is utilizing propaganda to manipulate public opinion. Do not fall for it!  
Investigate yourself and you'll come to find out about the scam. The rise of these current gas prices are simply a tool for blackmail. "You want lower gas prices?, then approve this LNG project" =That right there is the scam, we're not falling for it. Stop the Illuminati agenda NOW!!!!

-Omar Guzman

V024-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

V024-1

From: Carol Hahn [hellocarolann@hotmail.com]  
 Sent: Thursday, May 11, 2006 2:11 PM  
 To: BHPRevisedDEIR@slc.ca.gov  
 Subject: Comments on LNG Deepwater Port proposed for Malibu

Re: State Clearinghouse #2004021107

To: Dwight E. Sanders  
 California State Lands Commission  
 Division of Environmental Planning and Management  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825

Dear Mr. Sanders:

My name is Carol Hahn, and I am a Malibu resident. I STRONGLY oppose the Cabrillo Port LNG Deepwater Port proposed to be built off the coast of Malibu.

I do not want to see this port off the coast of our beautiful city. If it is built, it will be a blight on the horizon that we have to look at everyday. There is always the possibility of some equipment or process malfunctioning, and then we'd have a disaster off our coast.

Or, it will be a target for terrorists who want to take more American lives.

I was watching a documentary on PBS about "Why the (Twin) Towers Fell" in NYC on 9/11. The architect never dreamed he'd see them collapse, and said he designed them to withstand fire and every other natural factor he could think of. He never imagined that commercial airliners would be flown into these buildings, destroying them. Well, that could happen if this port is built -- BHP will be saying, "We never thought this would happen."

Please do everything in your power to stop this project from being built off our coast. It is not a good idea and I don't want to live with it.

Thank you,  
 Carol Hahn  
 26741 Latigo Shore Drive  
 Malibu, CA 90265

#### P063-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

#### P063-2

Section 4.4 and Appendix F contain information on visual resources, impacts, and mitigation. Appendix F describes how visibility from various distances was evaluated and provides additional simulations prepared for viewpoints at elevated sites along the Malibu coastline and inland areas.

#### P063-3

Section 4.2.7 discusses public safety impacts resulting from an incident at the deepwater port.

#### P063-4

Table 4.2-2 and Sections 4.2.6.1 and 4.2.7.6 contain information on the threat of terrorist attacks.

P063-1

P063-2  
 P063-3

P063-4

**From:** Ebhpch@aol.com  
**Sent:** Monday, May 15, 2006 12:54 AM  
**To:** BHPRevisedDEIR@slc.ca.gov  
**Cc:** Ebhpch@aol.com  
**Subject:** Comments to Cabrillo DEIR TECHNICAL PROBLEMS SENDING ON FRIDAY MAY 12

**[Enclosed are email comments to the DEIR on the Cabrillo Port project that I sent by email on Friday May 12. I had one letter wrong in the address and the email was apparently not delivered. Please consider the comments.]**

**Gentle persons:**

**I wish to call your attention to the insufficient handling of the economic impact of the BHP Billiton project on the area.**

**The DEIR blindly states that the project will have little or no impact on property values other than if a pipeline easement goes across a piece of property. This statement is without merit.**

**Property along the Southern California coast is among the highest priced real estate in the world. That value is a combination of location, VIEW, air quality, safety and general love of nature and the beach. This project, with its inability to mitigate air pollution (and the resulting on shore breezes blowing the pollution on shore), the serious concerns about safety, and the blight of viewing the project from the beach HAS to have an impact on property values and must be studied carefully.**

**In addition, should there be one incident or safety concern, I submit that the millions of visitors who visit the Malibu, Ventura and Oxnard beaches each year will be frightened or at least more hesitant to visit those beaches and towns closest to the project, especially since they will be looking out at the platform.**

**With a reduction of visitors to the beach, there will be a resultant reduction in monies spent in coastal cities and sales taxes collected. The economic impact on the state, and especially the local jurisdictions, could be significant since they rely extensively on sales taxes for survival.**

**Likewise if there is a downturn in property values along those beaches and cities where the project can be observed, or where the pollution effects can be felt, the state and local governments will likewise lose a significant source of revenue.**

**This must be addressed carefully in the Environmental Impact Report.**

**Thank you.**

P096-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P096-2

Section 4.16.1.2 contains information on property values. Section 4.4.4 contains information on potential aesthetic impacts on residents, tourists, and other recreational users. Section 4.15.1.1 contains information on offshore tourism, and Impacts REC-1, REC-2, and REC-3 in Section 4.15.4 contain information on impacts on offshore recreation.

P096-1

P096-2

Section 4.2 and Appendix C contain information on public safety. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures. Impact AIR-8 in Section 4.6.4 contains information on an ambient air impacts analysis that was conducted to evaluate potential impacts on ambient air concentrations of pollutants at downwind locations in the Pacific Ocean and along the coast of California (see Appendix G7 for a summary of the analysis).

According to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), economic or social effects are to be considered when there is a linkage to a physical effect. Under NEPA, analysis should be restricted to those social or economic factors that are interrelated to the natural or physical environment and may be affected by the range of alternatives considered. In addition, section 15131 of the State CEQA Guidelines states that "economic or social information may be presented in an EIR in whatever form the agency desires." Section 4.16 of the EIS/EIR is written in accordance with both NEPA and the CEQA requirements and guidance.

The Council on Environmental Quality's NEPA Regulations require Federal agencies to "identify environmental effects and values in adequate detail" (40 Code of Federal Regulations [CFR] 1501.2) in their analyses and define the term "effects" to include social and economic effects, among others (40 CFR 1508.8). The NEPA regulations define the human environment as the natural and physical environment and the relationship of people with that environment.

Section 15131(a) of the State CEQA Guidelines states that "Economic or social effects of a project shall not be treated as

significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes."

**E. Barry Haldeman**  
[ebhpch@aol.com](mailto:ebhpch@aol.com)  
26674 Latigo Shore Drive  
Malibu, CA 90265

From: nickhale@charter.net  
 Sent: Wednesday, May 03, 2006 3:19 AM  
 To: BHPRevisedDEIR@slc.ca.gov  
 Subject: LNG TANKER

05/02/2006

To Whom It May Concern:

I am a Malibu resident threatened to be impacted by LNG's permanently placed, 14 story high, liquid natural gas tanker off the Malibu/Oxnard coast. This atrocity can not, and should not be located in this general region for many reasons. The pollution of this operation of converting liquid gas to natural gas in an otherwise pristine location is up-surd. The effects on the ocean environment would be devastating; we have already seen oil spills in Santa Barbara, Newport Beach and other locations along the coastline but not here in Malibu. If this natural gas tanker is imperative to our supply of natural gas it should be located in an already industrialized area of coastline like Eureka, San Pedro, San Diego, or San Francisco where it would be hardly noticed.

Furthermore, this liquid natural gas tanker would create smog in a place where there is none. I chose to live in Malibu specifically for the clean air and the untarnished view of oil rigs and any thing of this nature. This tanker is an atomic bomb waiting to kill millions of people. This thing creates a target for terrorists. The idea of having this thing in Malibu and Oxnard which are both growing areas is insane. It would be an eye-sore unintelligently put in a rapidly growing population of people. I fear what could happen to an operation like this with time, and the effect on home values in the area of which both I own properties in. I am also surprised that some thing like this can be OK'ed without even a vote by the residents. It is ridiculous that there is no scrutiny by the California Coastal Commission who will not let me put a second story on my house but would allow this tanker to be permanently placed in front of it.

I want all to know who read this letter that I am very opposed to this liquid natural gas abomination to be moored in Malibu/Oxnard. Put it next to the Queen Marry in Long Beach Harbor or any where else, but please do not ruin a piece of coastline that is in no way characterized by industry. This is the only wise choice, DO NOT POLUTE MALIBU AND OXNARD WITH THIS GIANT OF A MISTAKE!!!!!!

Very up-set,

Nicholas Hale

#### P036-1

Sections 4.6.4 and 4.18.4 discuss impacts on air and water quality. Sections 4.7.4 and 4.8.4 discuss impacts on the marine and terrestrial environments. The Independent Risk Assessment (Appendix C1) considered various potential LNG spill scenarios using available meteorological data from offshore buoys. Section 4.2.7.2 discusses the process of LNG evaporation and dispersion that would follow an LNG spill on water. No shoreline in Malibu would be affected, and waters of Malibu would not be affected by Project discharges (see Figure ES-1).

#### P036-2

P036-1

P036-2

The EIS/EIR initially evaluated 18 locations for the FSRU as potential locations for the deepwater port. It built on previous California Coastal Commission studies that evaluated nearly 100 locations. Section 3.3.7 contains information on other locations that were considered.

#### P036-3

P036-3

P036-4

P036-5

P036-6

P036-7

P036-8

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

#### P036-4

Table 4.2-2 and Sections 4.2.6.1 and 4.2.7.6 contain information on the threat of terrorist attacks. Section 4.2.7.6 and the Independent Risk Assessment (Appendix C1) contain information on public safety impacts from various incidents at the FSRU. The analysis indicates that the maximum impact distance of an accident or intentional incident would involve a vapor cloud dispersion extending 6.3 nautical miles (7.3 miles) from the FSRU. The FSRU would be located approximately 12.01 nautical miles (13.83 miles) offshore; therefore, consequences of an accident or intentional incident involving LNG transport by carrier and storage on the FSRU would extend no closer than 5.7 nautical miles (6.5 miles) from the shoreline.

#### P036-5

Section 4.4 and Appendix F contain information on visual resources, impacts, and mitigation. Appendix F describes how visibility from various distances was evaluated and provides additional simulations prepared for viewpoints at elevated sites along the Malibu coastline and inland areas.



P036-6

Section 4.16.1.2 contains information on property values.

P036-7

As stated in Section 1.3.2, the Project will be reviewed by the California Coastal Commission. As discussed in Section 1.4, California Coastal Commission permit, approval, and consultation requirements include (1) consistency with the California Coastal Management Program; (2) a Coastal Development Permit; and (3) appeal, if any, of local government action on the Coastal Development Permit for the onshore part of the Project within the coastal zone.

P036-8

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

From: Sunny Halpern [halpern@mail.smmusd.org]  
Sent: Friday, May 12, 2006 2:49 PM  
To: BHPRevisedDEIR@slc.ca.gov  
Subject: Ing port

I oppose the installation of an Ing port on the Malibu coast.  
Sunny Halpern  
Malibu, California

V055-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

| V055-1



April 13, 2006

Mr. Dwight Sanders  
California State Lands Commission  
Division of Environmental Planning and Management  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202  
By Fax: 916.574.1885  
By Email: BHPRevisedDEIR@slc.ca.gov

RE: Cabrillo Port LNG Terminal, State Clearinghouse No. 2004021107

Dear Mr. Sanders:

On behalf of the Los Angeles Area Chamber of Commerce, I am writing to express our general support for increased natural gas production throughout Southern California, particularly for liquefied natural gas (LNG) production. In light of dramatic population growth expected over the next decade in our region as well as increased demand for new energy sources, the L.A. Area Chamber continues to support natural gas utilization as part of an overall goal to provide the region with clean, reliable, affordable sources of energy. Increasing the natural gas production and availability is vital to growing our economy—and our nearly 1,500 members' bottom lines. We are concerned that natural gas production is currently not growing enough to meet the demands of a growing populace and expanding economy.

The L.A. Area Chamber is fully aware of the environmental and safety issues that have been raised with respect to the proposed LNG facilities. In this regard, it is important to note that the recently revised Draft Environmental Impact Report for Cabrillo Port has been substantially rewritten to be responsive to previous public comments. This revised DEIR includes additional data and new, additional information from numerous studies and recent surveys concerning biological resources, water resources, endangered species, oak trees, cultural resources, and other important issues. Importantly, this report explains why Cabrillo Port is an environmentally sound project and shows how the proposed facility will be operated safely.

The L.A. Area Chamber respectfully requests that you consider Cabrillo Port as part of a regional solution to meeting our energy demands, which require diverse, clean, affordable and reliable sources.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Russell J. Hammer".

Russell J. Hammer  
President & CEO

G218-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

G218-2

Section 1.2.3 contains updated information on natural gas needs in California. Forecast information has been obtained from the California Energy Commission.

G218-3

Sections 4.8.1, 4.9.1 and 4.18.1 discuss these topics. Chapter 2 and Section 4.2 discuss the provisions of the safe operations of the facility.

| G218-1

| G218-2

| G218-3

Victoria B. Hand  
29500 Heathercliff Road, #243  
Malibu, CA 90265  
(310) 457-7647

May 10, 2006

Dwight Sanders  
State Lands Commission  
100 Howe Ave, Suite 100-South  
Sacramento, CA 95825

Re: Cabrillo Port Revised Draft EIR - #2004021107

Dear Mr. Sanders:

The following are my comments regarding the proposed BHP LNG project and its Revised Draft EIR:

1. Environmental Impact Reports require that alternatives to the project, and not just alternatives to the project site, be fully analyzed. All impact statements in the DEIR should be compared to other existing or proposed LNG facilities. We need to know if this is the best available technology, with the maximum benefit, and minimum environmental impact. Without this comparison and analysis, decision makers cannot legitimately approve any project.
2. The State of California should be allowed to complete a regional plan for LNG facilities along its coastline before approvals are made for any particular project. This plan should be an integral part of the EIR, if it is to be a complete assessment.
3. No project that has such significant environmental impacts should be located so close to the Channel Islands National Park and Marine Sanctuary. This alone should invalidate the EIR and trigger the no action alternative.
4. The DEIR does not adequately address cumulative impacts in regards to other operations in the region.
5. The DEIR does not adequately address the impacts to water quality in regards to gray water, incidental spills and especially thermal discharges. Millions of gallons a day of seawater will be used and discharged each day at temperatures that violate State and Federal laws.
6. The DEIR does not adequately address the impacts to marine life and mammal migration patterns – especially in regards to noise, and seawater intake and discharge. Humpback and Blue Whales are most definitely present in the area during many months of the year. Noise and traffic along with water quality will have a significant impact on these endangered mammals.
7. The DEIR does not adequately use site-specific data for impacts to water quality and marine life.
8. The DEIR does not adequately address local and regional auto, boat and air traffic impacts. This project will have significant impacts in these areas and should be addressed.
9. The DEIR does not adequately address the air pollution impacts to local communities when the pollution comes to shore.
10. The DEIR does not adequately address visual or aesthetic impacts. The estimate for the number of clear days when the Port is visible from land is wrong. Having lived in Malibu for 28 years – we can see the islands at least two thirds of the year – not just ninety days a year – it is the other way around. Loss of local property values should be assessed as an impact.

P471-1

P471-2

P471-3

P471-4

P471-5

P471-6

P471-7

P471-8

P471-9

P471-10

P471-11

P471-1

Both NEPA and the CEQA require the consideration of alternatives to a proposed project. A lead agency's lack of jurisdiction over a potential alternative is one factor that it may consider in determining if a potential alternative is feasible, reasonable, and merits detailed study in an EIS/EIR. Whether a potential alternative is purely hypothetical or speculative, or whether the potential alternative can be accomplished in a successful manner in a reasonable period of time are additional factors the lead agency may consider in assessing the feasibility and reasonability of the potential alternative.

From a NEPA perspective, while a Federal agency must analyze "a range of reasonable alternatives" (as opposed to any and all possible alternatives), and may be required to analyze an alternative that is outside the capability of an applicant and that is outside the jurisdiction of the agency, the threshold question in determining whether to analyze any alternative is whether that alternative would be a "reasonable" alternative. Reasonable alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a).

To provide for an effective "hard look" at the alternatives the agency must limit the range to those alternatives that will best serve the environmental review process, and not needlessly examine and discuss in depth remote or speculative alternatives that that discussion does not facilitate a better decision making process. As stated in 40 CFR 1502.14(a), the EIS should "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."

Section 15126.6(a) of the State CEQA Guidelines states, in part, "[t]he Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives." The California Supreme Court in the Citizens of Goleta Valley case recognized that while an agency's jurisdiction was only one factor to consider, "[t]he law does not require in-depth review of alternatives that cannot be realistically considered and successfully accomplished." In addition, the discussion in section 15364 in the State CEQA Guidelines states that "[t]he lack of legal powers of an agency to use in imposing an alternative or mitigation measure may be as great a limitation as any economic, environmental, social, or technological factor."

Chapter 3 discusses energy conservation, efficiency, and renewable sources of energy, and explains why these potential alternatives were not studied in detail in the EIS/EIR. The range of alternatives studied in detail is reasonable and conforms to NEPA and the CEQA requirements.

#### P471-2

Section 1.1.1 contains information on the process used by the Deepwater Port Act (DWPA) of 1974, as amended, which establishes a licensing system for ownership, construction and operation of deepwater port (DWP) facilities. As discussed, the role of the Maritime Administration (MARAD) is to balance the Congressionally imposed mandates (33 U.S.C. 1501) of the DWPA, including those to protect the environment; the interests of the United States and those of adjacent coastal states in the location, construction, and operation of deepwater ports; and the interests of adjacent coastal states concerning the right to regulate growth, determine land use, and otherwise protect the environment in accordance with law.

At the same time, the California State Lands Commission (CSLC) is reviewing the application to ultimately decide whether to grant the Applicant a lease to cross State sovereign lands. As described in Section 1.2.1, "[t]he CSLC authorizes leasing of State lands to qualified applicants based on what it deems to be in the best interest of the State in compliance with the [California Environmental Quality Act]."

Section 1.1.2 contains information on the Governor of California's role in DWP licensing. As discussed, MARAD may not issue a license without the approval of the Governor of the adjacent coastal state (33 U.S.C. 1503(c)(8)). Section 1.1.3 contains information on the role of the U.S. Environmental Protection Agency (USEPA): "[t]he Port must meet all Federal and State requirements and is required to obtain air and water discharge permits from the USEPA." Section 1.2.1 contains additional information on Federal and State responsibilities. Section 1.1.4 contains information on the role of the CSLC to consider whether or not to grant a lease of State lands for the subsea pipelines. The lease may also include conditions relating to those parts of the Project not located on the lease premises. As described in Section 1.3.1, one of the main purposes of the EIS/EIR for MARAD is to "(f)acilitate a determination of whether the Applicant has demonstrated that the DWP would be located, constructed, and operated in a manner that represents the best available technology necessary to prevent or minimize any adverse impacts on the marine environment."

The USEPA, the U.S. Department of Commerce, including NOAA's National Marine Fisheries Service (NMFS or NOAA Fisheries Service), and the U.S. Department of the Interior, including the Minerals Management Service and the U.S. Fish and Wildlife Service, are cooperating Federal agencies.

As discussed in Section 1.3.2, for significant impacts, the CSLC must adopt a Statement of Overriding Considerations to approve the Project if the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects (State CEQA Guidelines section 15093(a)). After the CSLC's decision, other State and local agencies may take actions on the Project, i.e., on related permits or necessary approvals. These agencies include the California Public Utilities Commission, the California Coastal Commission, the California Department of Fish and Game, the California Air Resources Board, the Los Angeles Regional Water Quality Control Board, the California Department of Transportation, the City of Oxnard and/or Ventura County (for the onshore part of the Project within the coastal zone), and local air quality control districts such as the Ventura County Air Pollution Control District and the South Coast Air Quality Management District. Section 1.4.2 contains information on the changes to the proposed Project that have been made during the environmental review process.

Section 1.5 contains information on opportunities for public comment. After the MARAD final license hearing, the public will have 45 days to comment on the Final EIS/EIR and the license application. The Federal and State agencies will have an additional 45 days to provide comments to the MARAD Administrator. The Administrator must issue the Record of Decision within 90 days after the final license hearing. The CSLC will hold a hearing to certify the EIR and make the decision whether to grant a lease. The California Coastal Commission will also hold a hearing. Comments received will be evaluated before any final decision is made regarding the proposed Project.

California Senate Bill 426 (Simitian), which would have created a ranking process for different LNG projects, was re-referred to the California Assembly Committee on Utilities and Commerce on August 24, 2006. As of November 30, 2006, the Legislature's Current Bill Status shows it as "From Assembly without further action," which ended the consideration of the bill during the 2005-06 Legislative Session.

P471-3

The FSRU would be located outside of the current boundary of the

Channel Islands National Marine Sanctuary (CINMS) and vessels associated with Cabrillo Port operations would not be expected to enter the CINMS. Sections 4.7.1.4, 4.13.2.2, and 4.20.1.5 discuss the potential expansion of the CINMS boundary, which is not proposed at this time. Sections 4.7.4, 4.15.4, 4.16.4, and 4.18.4 describe potential impacts on the marine environment and proposed mitigation measures to reduce those potential impacts.

#### P471-4

Section 4.20.3 contains information on cumulative impacts from both construction and operations of "past, present, and probable future projects" as required by law.

#### P471-5

Section 2.2.2.6 and Impact WAT-5a in Section 4.18.4 discuss gray water treatment on board the FSRU. Approximately 2,625 gallons of treated gray water would be discharged per week. "The gray water would be treated using filtration to separate particulate matter and UV oxidation to destroy dissolved organic materials. Discharge of treated gray water to the ocean would be in accordance with a facility-specific NPDES permit issued by the USEPA." Discharges would be estimated based on the requirements of the NPDES permit; therefore, it is unlikely that discharges would not meet the NPDES standards.

Sections 4.18.3 and 4.18.4 have been revised and contain additional information about spills, discharges, and thermal plumes.

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. A closed loop tempered water cooling system, which recirculates water, would be used instead of a seawater cooling system, except during annual maintenance (four days for the closed loop tempered water cooling system, and four days for the Moss tanks when the inert gas generator [IGG] would be operating).

Because seawater would only be used as non-contact cooling water during these maintenance activities, the volume of seawater used would be greatly reduced. Seawater would also be used for ballast. Section 2.2.2.4 describes the proposed seawater uptakes and uses for the FSRU. Appendix D5 describes seawater intakes and discharges during Project operations, and Appendix D6 describes the closed loop water system and provides thermal plume modeling analysis of discharges from the backup seawater cooling system.

When either the backup seawater cooling system or the IGG are operating, the temperature of the discharged seawater would be elevated above ambient temperatures no more than 20°F at the point of discharge and would be 1.39°F at 300 m from the point of discharge during the worst case scenario. These thermal discharges would comply with the California Thermal Plan (see Sections 4.7.4 and 4.18.4 and Appendix D6).

#### P471-6

Impact BioMar-5 in Section 4.7.4 contains updated information on potential noise impacts on the marine environment and mitigation measures to address impacts. Impact BioMar-3 in Section 4.7.4 contains updated information on impacts from seawater intake and discharge. Text regarding humpback and blue whale has been clarified in Section 4.7.

#### P471-7

Section 4.7 contains updated stock assessments for marine mammals in the Project vicinity according to the latest available information from NOAA. In addition, marine mammal experts (see Appendix I) have been consulted regarding potential impacts and mitigation, and based upon their expertise, text in Section 4.7 has been clarified.

#### P471-8

Section 4.3.4 contains information on potential impacts on marine traffic. Section 4.17.4 contains information on potential impacts on onshore transportation, including vehicular and air traffic.

#### P471-9

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.1.8 contains a detailed description of the marine climatic setting. Section 4.6.1.2 has been revised to provide an expanded discussion of the potential transport of offshore air pollutant emissions to onshore areas due to meteorological conditions. Section 4.6.4 contains revised analyses of the impacts on air quality from the emissions of criteria pollutants, ozone precursors, and toxic air pollutants from the FSRU and Project vessels.

The air dispersion modeling analysis of the criteria air pollutant emissions from FSRU and Project vessel operational activities includes prediction of impacts at receptors located from the coastline to 2 miles inland spanning approximately 44 miles from Ventura to Malibu. Additional receptors were also placed along the coastline spanning approximately 38 miles from Malibu to the Palos



Verdes Peninsula located directly south of Los Angeles.

P471-10

Visibility data used in the analysis are presented in Table 4.1-6. The data were collected over a period of 47 years and averaged to come up with the results presented in this document.

Section 4.4.1.2 states, "Good visibility occurs in the nearshore and offshore Project areas primarily between November and May, when distances greater than 9 NM (10.4 miles or 16.7 km) may be visible about half the time. Heavy marine layer conditions occur from mid-May to mid-July in Ventura County, where visibility offshore is often reduced to less than 0.9 NM (1.04 mile or 1.67 km) (see Table 4.1-6, "Visibility Distances by Month at Point Mugu," in Section 4.1, "Introduction to the Environmental Analysis"). Nearshore and offshore areas in Ventura County are characterized by a light marine layer condition consisting of clear sky with surface haze, with visibility limited to 9 to 13 NM (10.4 to 15 miles or 16.7 to 24.1 km) offshore. The sky and water appear as a uniform gray color, and any contrast in color or texture between the sky and water is usually not discernible. As discussed below, residential communities with views of the proposed Cabrillo Port site are approximately 17 to 22 NM (19.6 to 25.3 miles or 31.5 to 40.8 km) from the proposed Cabrillo Port site."

P471-11

Section 4.16.1.2 contains information on property values.

Dwight Sanders  
State Lands Commission  
May 10, 2006  
Page two

11. ~~Worse case scenario for an explosion should consider all three tanks igniting~~, as well as appropriate winds – most days the trade winds are blowing much faster than 4.5 miles. Suggest using site-specific wind data from Point Mugu.
12. Current safety impacts, which are greatly understated, have not been fully mitigated.
13. ~~The proposed owner/operator of the facility should be fully investigated and analyzed in comparison to other operators. There exists a significant amount of past history on BHP that should be considered, and the technology proposed has not been proven.~~
14. Two 24 inch gas lines going 3,000 feet deep into the ocean and then 13.8 miles to shore and beyond ~~must be more fully analyzed in respect to tsunami, earthquakes and liquefaction~~ which are significant threats to the Oxnard plan.
15. ~~The gas lines come to shore near Leo Carrillo State Beach and then follow the coastline up to Ormond Beach thereby impacting several State Parks, Beaches, Tide Pools and protected wetlands – the impacts on these resources have not been fully analyzed, nor mitigated.~~
16. All mitigation measures need to be more fully identified and evaluated for their effectiveness. References to more studies are unacceptable.
17. It is my opinion that this DEIR is insufficient and does not comply with State laws and the no action alternative should be chosen.

Sincerely,

*Victoria B. Hand*

Victoria B. Hand

Cc: Governor Schwarzenegger

P471-12

P471-13

P471-14

P471-15

P471-16

P471-17

P471-18

P471-19

P471-12

NEPA does not require "worst-case analysis" but does require the agency to prepare a summary of existing relevant and credible scientific evidence and an evaluation of adverse impacts based on generally accepted scientific approaches or research methods. However, the Independent Risk Assessment (IRA) (Appendix C1) defines and evaluates representative worst credible cases (scenarios of events that would lead to the most serious potential impacts on public safety). These included accidents that would affect one, two, or all three tanks of the FSRU.

As shown in Tables 4.2-1, 4.2-2, 4.2-7, and 4.2-8, the release of the contents of all three tanks (the entire contents of the FSRU and an attending LNG carrier) is addressed in the escalation scenario associated with a large intentional event. Section 4.2.7.6 contains additional information on how intentional events are addressed. Although the 2006 U.S. Department of Energy's Sandia National Laboratories third-party technical review of the 2004 IRA found that the three-tank simultaneous release (a massive LNG release in a short time period) was not credible, Sandia recommended the consideration of a cascading (escalation) three-tank scenario.

The IRA used wind data from the nearest available buoy (see Section 2.3.5.3 of the IRA). Section 4.1.8 includes information about the selection of buoys that were used in the analysis.

P471-13

Section 4.2 and Appendix C contain information on public safety.

P471-14

NEPA and the CEQA do not require investigation of the Applicant. However, the Applicant is required to adhere to all applicable Federal, State, and local laws, regulations, and permit requirements in the execution of all phases of the Project. Section 4.2.6 states, "The environmental and occupational safety record for the Applicant's worldwide operations, including, for example, mining ventures overseas, was not considered in evaluating potential public safety concerns associated with this Project because such operations are not directly comparable to the processes in the proposed Project." The conclusions in the EIS/EIR are based on the analyses of potential environmental impacts of the proposed Project and the implementation assumptions stated in Section 4.1.7. However, the Applicant's safety and environmental record will be taken into account by decision-makers when they consider the proposed Project.

P471-15

Sections 2.1 and 4.2.7.3 contain information on design criteria and specifications, final design requirements, and regulations governing the construction of the FSRU and LNG carriers.

#### P471-16

Section 2.1 and Figure 2.1-1 contain an overview of the Project and information on its proposed location, including placement of the FSRU and offshore pipelines. As stated, the FSRU "would be anchored and moored on the ocean floor for the life of the Project in Federal waters 12.01 nautical miles (NM) (13.83 miles or 22.25 kilometers [km]) off the coast of Ventura and Los Angeles Counties, in waters approximately 2,900 feet (884 m) deep."

Section 4.11 contains information on potential seismic and geologic hazards and mitigation measures to address impacts. Impacts GEO-3 and GEO-4 contain information on potential impacts and mitigation related to earthquakes and related hazards. Appendices J1 through J4 contain additional evaluations of seismic hazards. Section 4.11.1.5 and Impact GEO-5 contain information on the potential for damage to pipelines and other facilities and mitigation measures to address potential impacts that could occur due to mass movement of soil, including landslides, mudflow, lateral spreading, subsidence, liquefaction, or collapse. Section 4.11.1.8 and Impact GEO-6 contain information on potential impacts from tsunamis and mitigation measures to address impacts.

#### P471-17

Project impacts on coastal ecosystems would be limited to the pipeline corridor during construction and operation (see Section 2.1). As described in Section 2.3.2, the shore crossing required for the proposed Project would be installed beneath Ormond Beach. With the proposed mitigation, the potential impacts of construction, operation, or an accident on terrestrial biological resources would be reduced to a level that is below the significance criteria.

Sections 4.8.1 and 4.14.1.2 discuss Ormond Beach wetlands. Section 4.8.4 discusses mitigation measures to minimize impacts on wetlands. During construction, the horizontal directional boring activities would be contained within the Reliant Energy property, and the pipeline would be buried underneath the beach. This topic is discussed further in Sections 4.15.4 and 4.2.8.4. Updated information about the restoration efforts at Ormond Beach is included in Section 4.13.2.

#### P471-18

NEPA and the CEQA require that an EIS/EIR contain a detailed discussion of possible mitigation measures; however, NEPA does

not require that a complete mitigation plan be done at the time of the EIS. In *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 109 S.Ct 1835 (1989), the court determined that "[t]here is a fundamental distinction, however, between a requirement that mitigation be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated, on the one hand, and a substantive requirement that a complete mitigation plan be actually formulated and adopted, on the other."

Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)).

P471-19

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

From: Ecology Center of Southern California [ecology@ecoprojects.org]  
Sent: Monday, May 08, 2006 10:37 PM  
To: BHPRevisedDEIR@slc.ca.gov  
Subject: LNG Terminal

We, the members of the Ecology Center of California, are opposed to the unnecessary LNG terminal. This would cause more pollution in an area already burdened with high pollution rates.

This is a unnecessary an risk to an environment already on the brink of disaster.

Thank you

Anna Harlowe  
Issues Coordinator  
Ecology Center of California

G004-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

| G004-1

G004-2

Section 4.6 discusses air quality impacts of the proposed Project.

| G004-2

P 208

REVISED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
CABRILLO LNG DEEPWATER PORT

What is the purpose of THIS report? In my thinking, it must basically answer "Yes" to three questions:

1. Is it possible to mitigate the inevitable environmental degradation which will occur in constructing the port and its pipelines?

ANSWER: NO

2. Will the future operations be safe?

ANSWER: NO

3. What are alternative ways to produce electricity, and how do they compare to the proposal in terms of DAMAGE to the environment and SAFETY of operation?

ANSWER: NOWHERE in the report do we even find a discussion of alternative energy production (such as solar, wind, wave, ethanol, hydrogen).

Consequently, I recommend that the State Lands Commission, the Coast Guard, and the Governor judge the report to be INADEQUATE.

Jean Harris  
4900 Telegraph Road  
Apt. 634  
Ventura CA 93003



805 639 0945

March 22, 2006

P208-1

The EIS/EIR contains substantial mitigation to avoid or reduce potential significant impacts to a level below significance criteria.

The EIS/EIR identifies and assigns significance to all levels of impacts as required by NEPA. The EIS/EIR also identifies unavoidable significant (Class I) impacts. The Administrator of MARAD under the authority of the Deepwater Port Act, the California State Lands Commission, and the Governor of California have to balance the benefits of the Project against its unavoidable environmental risks. In accordance with section 15093 of the State CEQA Guidelines, the CSLC would have to make a Statement of Overriding Considerations addressing Class I impacts prior to approval of the proposed pipeline lease application.

P208-1

The lead Federal and State agencies share the responsibility to ensure that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented, consistent with section 15097(a) of the State CEQA Guidelines, to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

P208-2

P208-3

P208-2

Sections 4.2.4, 4.2.7.3, and 4.2.8.2 identify agencies with the authority and responsibility for safety standards, design reviews, and compliance inspections. Section 2.1 and Appendix C3-2 identify applicable safety standards.

P208-4

The lead agencies directed preparation of the Independent Risk Assessment (IRA), and the U.S. Department of Energy's Sandia National Laboratories independently reviewed it, as discussed in Section 4.2 and Appendix C. Section 4.2.7.6 and the IRA (Appendix C1) discuss the models and assumptions used and the verification process. Sandia National Laboratories (Appendix C2) concluded that the models used were appropriate and produced valid results.

P208-3

Sections 1.2.2, 1.2.3, 1.2.4, and 4.10.1.3 contain information on the need for natural gas, the role of foreign energy sources, and the California Energy Action Plan. Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

P208-4

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

**L N G HEARING APRIL 19, 2006**

**My name is Jean Harris and I will speak briefly.**

**There is a fatal flaw in this environmental impact report.**

**Both C E Q U A and the federal agency require the submittal of a serious range of variable ALTERNATIVES that may do less damage to the environment than the proposed project.**

**Legally, it is not enough to declare that the ONLY ALTERNATIVES ARE TO CHANGE THE LOCATION, OR TO ABANDON THE PROJECT ENTIRELY.**

**Our coastal environment has ample alternatives in the solar, wind, wave, and biotechnology options for discussion and comparison. Surely, a powerful company like BHP is knowledgeable regarding alternative energy possibilities, which some day will replace fossil fuels.**

**Until alternatives are included in the EIR, the document is incomplete, inadequate, and even illegal.**



P350-1

P350-1

Sections 1.2, 3.1, 3.2, 3.3.1, 3.3.2, 3.3.3, 4.10, and 4.10.1.3 contain information on the range of alternatives evaluated. Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to the Project.

Under NEPA and the CEQA, a reasonable range of alternatives must be considered. NEPA requires consideration of a "reasonable" number of alternatives. In determining the scope of alternatives, the emphasis is on "reasonable." "Reasonable" alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a). The information must be sufficient to enable reviewers and decision-makers to evaluate and compare alternatives.

CEQA Guidelines section 15126.6(a) provides, in part, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project."

P350-2

The EIS/EIR initially evaluated 18 locations for the FSRU as potential locations for the deepwater port. It built on previous California Coastal Commission studies that evaluated nearly 100 locations. Sections 3.3.7 and 3.3.9 discuss alternate locations and technologies that were considered, but not carried forward in the analyses for the reasons indicated.

P350-2

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.



From: busurfmd@aol.com [mailto:busurfmd@aol.com]  
 Sent: Friday, May 12, 2006 2:50 PM  
 Cc: BHPRevisedDEIR@slc.ca.gov  
 Subject: Need to revise inaccurate misleading EIR for proposed Cabrillo LNG port

Dear EPA staff,

Please find attached a letter to the State Lands Commission and Governor Schwarznegger regarding the misleading and inaccurate characterization of the receptor and impact area definitions for the EIR for the Cabrillo LNG port. Please re-evaluate your original decision to link pollution standards to the Ventura Air Pollution Control District rather than the more appropriate South Coast District with its more stringent standards.

Otherwise, you will liable for ensuing damages to public health and environmental degradation of sensitive ecosystems and species within the Santa Monica Mountains, ocean waters and residents and visitors to Malibu and the South Bay. Also, please do not pretend that upgrades to diesel engines of a ferry/industrial carrier boat(s) will mitigate smog and other damages to the real impact areas.

Yours truly,

Jeff Harris, MD, MPH

#### P087-1

Section 4.6.4 contains information on the potential air quality impacts to areas within the South Coast Air Basin as well as areas within Ventura County.

#### P087-2

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

P087-1

P087-2

Jeff Harris, MD, MPH  
23712 Malibu Road  
Malibu, CA 90265

5/12/06

310-456-1891

Governor Arnold Schwarzenegger  
State Controller Steve Westly  
Lt. Governor Cruz Bustamante  
State Director of Finance Michael C.Genest

Dear Governor and our other Guardians of the Public Health,  
Welfare and Environment,

As a long time community physician and UCLA School of Public Health graduate, I am asking that you realize the significant flaws in the analysis of the impacts of the proposed BHP Billiton Cabrillo LNG Port , insist on a new expanded EIR and/or vote to oppose this project.

The receptor zone for air pollutants from the proposed Cabrillo LNG port has been incorrectly defined as being 22 miles up and down the coast from its location. Specifically this definition ignores the scientific facts that there are often strong westerly winds or Catalina eddy inversion layer conditions that would carry and/or concentrate this project's significant pollutants as smog in Malibu, the South Bay and Los Angeles County.

Through a misleading manipulation of the boundaries of the impact areas, Los Angeles County, local governments and the South Coast Air Pollution Control District have been excluded from environmental review and mandatory political decision making processes.

#### P087-3

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.1.8 contains a detailed description of the marine climatic setting. Section 4.6.1.2 has been revised to provide an expanded discussion of the potential transport of offshore air pollutant emissions to onshore areas due to meteorological conditions. Section 4.6.4 contains revised analyses of the impacts on air quality from the emissions of criteria pollutants, ozone precursors, and toxic air pollutants from the FSRU and Project vessels.

The air dispersion modeling analysis of the criteria air pollutant emissions from FSRU and Project vessel operational activities includes prediction of impacts at receptors located from the coastline to 2 miles inland spanning approximately 44 miles from Ventura to Malibu. Additional receptors were also placed along the coastline spanning approximately 38 miles from Malibu to the Palos Verdes Peninsula located directly south of Los Angeles.

#### P087-4

The USEPA has jurisdiction to administer air quality regulations and required air permits for applicable Project activities that occur outside of the boundaries of California counties, including operation of the FSRU. The SCAQMD has jurisdiction to administer air quality regulations and required air permits for applicable Project activities that occur within Los Angeles County, including construction of the Line 225 Loop pipeline. The SCAQMD also provided comments on the March 2006 Revised Draft EIR that have been taken into consideration.

P087-3

P087-4

Likewise, the likely explosion impact and fire zones from a terrorist attack or industrial accident have been misleadingly confined to a smaller area because topography and meteorological conditions have not been properly analyzed.

It is patently erroneous to use Emma Wood State Beach in northern Ventura County and Oxnard Airport as baseline or future indicators for Cabrillo LNG Port impacts. The proposed port site is well south of these locations, and they are not in the path of prevailing winds and currents.

What needs to be done immediately is to insist on an expanded scientifically impact area in the EIR to include Malibu and the South Bay; the EIR should include evaluations of on the probable effects of air pollution and a possible explosion/ fire ball from the LNG port and its accompanying ships and industrial activities on Malibu and Los Angeles County residents and environments including fragile and endangered species and ecosystems in the adjacent ocean and Santa Monica Mountains.

If the EPA or others resist this kind of proper scientific analysis, there should be no other choice than to vote now against the proposed Cabrillo LNG port.

I look forward to your careful deliberations and decisions.

Respectfully,

Jeff Harris, MD, MPH

EPA Region 9 Director Wayne Nastri  
EPA Region 9 Deputy Director Laura Yoshi  
Air Director Debbie Jordan  
Water Director Alexis Strauss

P087-5

P087-5

The Independent Risk Assessment (IRA), which was independently reviewed by the U.S. Department of Energy's Sandia National Laboratories, evaluates the consequences of a potential vapor cloud (flash) fire, as discussed in Section 4.2.7.6 and the IRA (Appendix C1). The IRA determined that the consequences of the worst credible accident involving a vapor cloud fire would be more than 5.7 NM from shore at the closest point, as summarized in Table 4.2-1. Figure 2.1-2, Consequence Distances Surrounding the FSRU Location for Worst Credible Events, depicts the maximum distance from the FSRU in any direction that could be affected in the event of an accident. The shape and direction of the affected area within the circle depicted in Figure 2.1-2 would depend on wind conditions and would be more like a cone than a circle, but would not reach the shoreline. Section 2.3.5.3 of the IRA contains information on environmental, meteorological, and ocean (metocean) data that were used in the modeling of the LNG spill and dispersion.

P087-6

P087-7

P087-8

P087-6

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.1.8 contains a detailed description of the marine climatic setting. Section 4.6.1.2 has been revised to provide an expanded discussion of the potential transport of offshore air pollutant emissions to onshore areas due to meteorological conditions. Section 4.6.4 contains revised analyses of the impacts on air quality from the emissions of criteria pollutants, ozone precursors, and toxic air pollutants from the FSRU and Project vessels.

The air dispersion modeling analysis of the criteria air pollutant emissions from FSRU and Project vessel operational activities includes prediction of impacts at receptors located from the coastline to 2 miles inland spanning approximately 44 miles from Ventura to Malibu. Additional receptors were also placed along the coastline spanning approximately 38 miles from Malibu to the Palos Verdes Peninsula located directly south of Los Angeles.

P087-7

Sections 4.2, 4.6.4, 4.7.4, 4.8.4, 4.18.4 discuss the Project's potential effects on public safety, air quality, terrestrial and marine ecosystems, and water quality.

NEPA and the CEQA do not dictate an amount of information to be provided but rather prescribe a level of treatment, which may in turn require varying amounts of information to enable reviewers and

decision-makers to evaluate and compare alternatives.

P087-8

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P325

# Comment Form/Formulario Para Comentarios

Cabrillo Port LNG Deepwater Port—Revised Draft EIR  
Puerto de Aguas Profundas de LNG en el Puerto de Cabrillo—Borrador Revisado del EIR

To receive a copy of the Final EIS/EIR, you must provide your name and address.  
Para recibir una copia del EIS/EIR Final, por favor proporcionar su nombre y dirección.

Name (Nombre): DANIEL E. HARVEY

Organization/Agency (Organización/Agencia): CITIZEN

Street Address (Calle): 3460 CREEKSIDE LN.

City (Ciudad): OXFORD

State (Estado): CA. Zip Code (Código Postal): 93036-6338

email address (dirección de correo electrónico):

DANIEL HARVEY @ ADELPHIA.NET

Please provide written comments on the reverse  
and drop this form into the comment box.

Proporcione por favor los comentarios escrito en el revés y colóque esta forma  
en la caja del comentario.

You may also address any written comments  
to the attention of:

**Dwight E. Sanders**  
California State Lands Commission  
Division of Environmental Planning and  
Management  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825  
**Include the State Clearinghouse number:**  
**2004021107**

Comments may also be submitted via email  
to: BHPRevisedDEIR@slc.ca.gov

Usted puede dirigir también cualquier  
comentario escrito a la atención de:

**Dwight E. Sanders**  
California State Lands Commission  
Division of Environmental Planning and  
Management  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825  
**Incluir el número de State Clearinghouse:**  
**2004021107**

Los comentarios también se pueden enviar  
por correo electrónico a:  
BHPRevisedDEIR@slc.ca.gov

**All comments must be received  
by 5 p.m. Pacific Time, May 12, 2006**

**Todos los comentarios debe ser recibido  
por 5 de la tarde, hora Pacifico, el 12 de mayo de 2006**

Comments/Comentarios (Use additional sheets if necessary/Puede utilizar hojas adicionales si es necesario):

NOT MANY COMMENTS. I PERSONALLY DID READ 3/4 OF THE REVISED DRAFT EIR. I DO HAVE TO ADMIT THAT IT WAS WELL DONE WITH A LOT OF DETAIL.

I HAVE ONLY <sup>3</sup> REAL COMMENTS SO FAR:  
1: I DON'T REMEMBER READING FOR A WORST CASE ISSUE ABOUT WHAT WOULD BE DONE IF A TANKER WAS UNLOADING AND SOMETHING HAPPENED (EG FIRE) BREAKS OUT DURING THE OFFLOAD? IS THERE SOMETHING ABOUT MOVING THE TANKER AWAY FOR SAFETY ISSUES?

2: PROPOSED ROUTE CHANGE, INSTEAD OF GOING DOWN HAILES, LEFT THEN RIGHT STRAIGHT THROUGH DEL NORTE, WHY NOT GO STRAIGHT UP FROM HAILES TO THE 101. OR JUST TO KEEP IT OUT OF THE INDUSTRIAL ZONE

3: THE ALTERNATE ROUTE/LOCATION FROM PLATFORM GRACE TO GONZALES IS A NO GOOD IDEAL. THIS IS A BUILT UP AREA WITH SCHOOLS IN THE WAY.

No action will be taken until the environmental review process is completed.

No se tomará ninguna acción hasta que el proceso de revisión ambiental se haya terminado.

P325-1

The Independent Risk Assessment (IRA, Appendix C1) evaluated the potential consequences of an accident or fire during LNG offloading. The hazard identification workshop considered various incidents during offloading and several events specifically involving fires (for example, an ignition source in the submerged combustion vaporizers resulting in an equipment fire, a fire in the engine room of the LNG carrier, and a fire in the engine room of the FSRU); see Annex 4 to the IRA in Appendix C1 for a discussion of these incidents. Sections 4.2.3, 4.2.7.2, and 4.2.7.6 summarize the findings of the IRA. Impacts PS-1 and PS-2 in Section 4.2.7.6 contains information on emergency procedures.

P325-2

Section 4.13.2.1 contains information on the franchise agreements between municipalities and SoCalGas. These franchise agreements grant the right, privilege, and franchise for SoCalGas to lay and use pipelines and appurtenances for transmitting and distributing natural gas for any and all purposes under, along, across, or upon public streets and other ROWs.

Section 4.2.8.2 contains information on regulations regarding pipelines. Appendix C3-3 contains information on design and safety standards applicable to natural gas projects. The Applicant would design, install, operate, maintain, and inspect pipelines to meet regulatory requirements. Industrial land uses near pipelines would not be restricted with the implementation of these regulations.

P325-3

The Santa Barbara Channel/Mandalay Shore Crossing/Gonzales Road Pipeline Alternative is evaluated as an alternative in the EIS/EIR; it is not the proposed Project as described in Section 2.4.

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P325-1

P325-2

P325-3

From: (Ms) MARION HASTINGS P221  
6224 TAPIA DRIVE, MALIBU, CA 90262

To: DWIGHT SANDERS  
CALIFORNIA STATE LANDS COMMISSION

I AM WRITING IN OPPOSITION TO THE  
"CABRILLO PORT" LIQUEFIED NATURAL GAS  
PORT PROPOSED OFF THE COAST OF  
MALIBU. (1A) UNNECESSARY!

REASONS (1) SAFETY ISSUES!

(2) DANGER TO SEALIFE!

(3) AESTHETICS!

(4) POLLUTION!

AND RESENTMENT RE MONIES  
SPENT BY "BHP" BRINGING  
"THEIR PEOPLE" FROM AUSTRALIA,  
SOUTH AMERICA, ALASKA, ETC  
TO DOMINATE MALIBU'S  
SO-CALLED PUBLIC FORUM TO  
DISCUSS THIS ISSUE.

PLEASE PROTECT OUR COASTLINE!  
Marion Hastings

P221-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P221-2

Sections 1.2.2, 1.2.3, 1.2.4, 3.3.1, 3.3.2, and 4.10.1.3 contain information on the need for natural gas, the role and status of energy conservation and renewable energy sources, and the California Energy Action Plan.

P221-1

Sections 1.2.2 and 1.2.3 contain updated information on natural gas needs in the U.S. and California. Forecast information has been obtained from the U.S. Department of Energy's Energy Information Agency and from the California Energy Commission.

P221-3

Section 4.2 and Appendix C contain information on public safety.

P221-2

P221-4

Section 4.7.4 contains information on potential impacts on marine biological resources and mitigation measures to address such impacts.

P221-3

P221-4

P221-5

Section 4.4 and Appendix F contain information on visual resources, impacts, and mitigation. Appendix F describes how visibility from various distances was evaluated and provides additional simulations prepared for viewpoints at elevated sites along the Malibu coastline and inland areas.

P221-5

P221-6

P221-6

Sections 4.6.4 and 4.18.4 discuss impacts to air quality and water quality.

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,

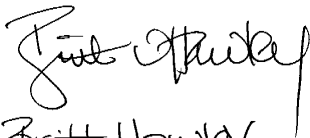
Please stop Cabrillo port LNG industrial plant from progressing any further in the permit process. California law prohibits industrial intrusion on highly scenic areas. The last remaining wild areas on the Southern California Coast will be permanently despoiled if this industrial plant is installed. In fact over 10 national parks, national recreation areas, state, city and county parks will be despoiled. This would forever impact the quality of life of the areas residents and negatively impact the millions of visitors who come to hike and enjoy the seashore. In addition, federal and state governments own studies show that this project would:

- result in both short term and long term adverse impacts to the coast and it's residents.
- Increase smog levels (tons of pollutants spewing directly upwind from our houses, beaches and hiking trails.
- contain 14 story high pollution spewing industrial towers with lines of support ships which forever will be our new horizon. This towers will be brightly lit at night being a 24 hour eye sore.
- harbor the possibility of a 14 mile wide explosive flash fire due to an accident of terrorist attack.
- be visible from all elevations in malibu from downtown Malibu all the way to Port Hueneme.
- require a "security zone" of 2.3 miles around it. (to protect from terrorism, accidents etc) which is in the same shipping channel where 10,000. container ships and oil tankers use annually.

There are many more negative impacts than the above "official" ones disclosed by the federal and state study.

PLEASE do not allow this to go forward. We, the citizens of Southern California will fight this project until it is derailed. Our money and time can be spent on projects that truly will improve the quality of life in Southern California rather than just provide an opportunity for foreign Companies to sell us gas that they and we do not need.

Sincerely,

  
Britt Hawley  
P.O. Box 66674  
Los Angeles, Ca 90066



## Climate Mitigation Services

Mr. Dwight E. Sanders  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825

Re: Revised Draft Environmental Impact Report for the Cabrillo Port Liquefied Natural Gas Deepwater Port, State Clearinghouse No. 2004021107.

9 May 2006

Honorable Mr. Sanders:

I am submitting to the California State Lands Commission my analysis of emissions of greenhouse gases from the entire supply chain that BHP Billiton intends to build in order to deliver the natural gas as LNG to its proposed Cabrillo Deepwater Port and, ultimately, to gas utilities and customers in southern California. Climate Mitigation Services, of which I am Principal, has been retained by Environmental Defense Center and California Coastal Protection Network to undertake this assessment.

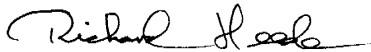
Climate Mitigation Services (CMS) focuses its work on detailed emissions inventories for municipalities, educational institutions, commercial facilities, and homes and individuals. CMS also develops global warming strategies and mitigation plans. I have published emissions inventories for the City of Aspen, and Town of Telluride, Colorado, for Oberlin College in Ohio, for legal proceedings against the Export-Import Bank of the United States on behalf of *Friends of the Earth v Mosbacher et al*, United District Court, San Francisco Division, and detailed the GHG emissions of ExxonMobil Corporation 1882-2002 for a London-based NGO. My expertise, background, and publications are detailed in the enclosed CV.

My analysis, unlike that submitted by BHP Billiton in its *Construction Permit Application* and reiterated in the Commission's *Revised Draft EIR*, covers emissions from the entire supply chain originating in Western Australia, where gas production is planned from the Scarborough field 270-km offshore (although its 8 Tcf reserve estimate is a matter of dispute), transported by subsea pipeline to an onshore liquefaction facility (whose proposed 6 million tonnes LNG/yr is ~18 percent short of the required size, given LNG carrier propulsion and FSRU re-gasification requirements), and loaded onto a fleet of LNG carriers for the 7,900 NM trans-Pacific shipment to California. BHP and the CSLC both embrace the concept that emissions of GHG pertinent to the operation of the Cabrillo Deepwater Port start and end with this LNG receiving facility.

CMS takes a more comprehensive approach based on the fact that the supply chain of natural gas and/or LNG required to supply LNG to Cabrillo also cause substantial emissions of carbon dioxide and methane, and therefore should be accounted for. Cabrillo is not merely a facility but part of a natural gas delivery *system*, and emissions from the entire LNG supply chain must be considered. Finally, the intended use of the delivered natural gas — its combustion by end-users — is included within the emissions boundary and these emissions are also quantified.

State agency officials and the California public cannot make an adequate assessment of the pros and cons of the proposed project without information on this broader scope. This study does *not* evaluate alternative means of delivering energy resources to California, and no recommendations for or against this project are made. CMS aims instead to fill the analytical gap left by BHP's and the Commission's exclusive focus on GHG emissions from Cabrillo in disregard of emissions from other critical links in the supply chain.

Respectfully,



Richard Heede

Enclosures: *LNG Supply Chain Greenhouse Gas Emissions for the Cabrillo Deepwater Port: Natural Gas from Australia to California*, Richard Heede, Climate Mitigation Services, Snowmass, CO., 48 pp.  
Heede CV.

Richard Heede  
heede@climatemitigation.com

Climate Mitigation Services  
Snowmass, CO 81654 USA 970-927-9511

P450-1

Thank you for the information. The report sent with this letter is included as 2006 Comment Letter Attachment P450-A01.

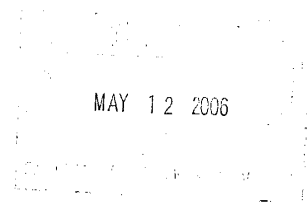
P450-2

As stated in Section 4.6.4, in addition to regulated air pollutants, the Project would generate emissions of the greenhouse gases CO<sub>2</sub> and methane (natural gas). The CO<sub>2</sub> emission coefficient for natural gas is 117. Coal (approximately 78 percent carbon) and oil (approximately 85 percent carbon) have higher carbon contents (more pounds of carbon per MMBtu) than natural gas (approximately 75 percent carbon), which leads to greater carbon emissions when combusted (more tons of CO<sub>2</sub> per megawatt hour produced). For comparison, the CO<sub>2</sub> emission coefficient for No.2 fuel oil and anthracite coal are 161, and 227 pounds of CO<sub>2</sub> per MMBtu, respectively.

P450-1

P450-2

If the proposed Cabrillo Port Project is not approved, SoCalGas may obtain its gas from elsewhere in North America. In this scenario, the combustion would occur anyway, i.e., would be in the baseline scenario. In the absence of the Cabrillo Port Project, it is also highly unlikely that the natural gas would be left in the ground in Western Australia; it would likely be extracted, liquefied, transported, and sold elsewhere. For the proposed Cabrillo Port Project, the additional life cycle emissions that can be attributed specifically to the Project would be only the portion of those emissions that would be generated by transporting the LNG across the Pacific Ocean to the Cabrillo Port facility. If the LNG were imported into a different receiving facility in California, the GHG emissions would be the same as those of the proposed Project.



# Curriculum Vitae for Richard Heede

April 2006

## Professional History

### 2002-: Climate consultant, writer

February 2003-: Principal, Climate Mitigation Services, a consultancy focused on "climate stewardship from inventories to solutions:" comprehensive emissions inventories, protocols, boundary setting, and identification of technologies and strategies to reduce emissions. Client sectors include municipalities, colleges and universities, corporations, international NGOs, architects, and homeowners. Sample projects: *ExxonMobil Emissions Inventory 1882-2002: Methods & Results*, for Friends of the Earth Trust, London, Dec03; *Energy and Climate Plan for the Town of Telluride, Colorado: Audit and Policy Recommendations*, Jun04. Attended Climate Action Network workshop on CCS and H<sub>2</sub>, Brussels, May04. *Black Hydrogen: An Assessment of the U.S. Department of Energy's Plans for Nuclear Hydrogen Production*, for Greenpeace USA. Presented preliminary results of *The Climate Change 100: Top carbon producers 1750-2004* at a climate science & law meeting convened by the Climate Justice Programme, London, May05. Comprehensive GHG emissions inventory for the City of Aspen's Canary Initiative, Colorado, January 2006. Currently estimating supply chain emissions of 6 million tonnes of LNG per year originating in Western Australia and delivered to the proposed Cabrillo Deepwater FSRU offshore Ventura County, California.

October 2002-: researching cryospheric dynamics, paleoclimatology, risk management and cultural change for a semi-fictional environmental thriller (in progress).

### 1984-2002: Rocky Mountain Institute.

January-July 2002: Researched, wrote, designed, and published *Cool Citizens: Everyday Solutions to Climate Change: Household Solutions Brief*, its methodological background report: *Residential carbon dioxide emissions profile and calculations of climate mitigation measures*, and *Household Climate Neutral Strategy: Emissions Reduction Measures*.

2000-2001: **Manager, Oberlin College: Climate Neutral by 2020.** Principal investigator and co-author of final report & appendices, conducted a comprehensive GHG emissions inventory for year 2000, led building audits, identified profitable measures to reduce emissions, and developed (with Dr. Joel Swisher) three cost-effective scenarios for climate neutrality (net zero emissions) by the year 2020, and coordinated the publication of *Oberlin College: Climate Neutral by 2020* reports.

1999-2000: **Climate Services Manager** for RMI's Natural Capitalism Practice. Attended COP-5 climate negotiations in Bonn. Delivered an invited paper on energy-saving building design and retrofit at an Electricité de France-sponsored conference in Paris. Authored and presented research on personal opportunities to cool global warming, a subject of numerous radio interviews and detailed on the RMI website. Team Leader of the joint RMI/Oberlin College *Climate Neutral by 2020* project.

Richard Heede  
[heede@climatemitigation.com](mailto:heede@climatemitigation.com)

Climate Mitigation Services  
Snowmass, CO 81654 USA 970-927-9511



**1994–1999: Research Scholar.** Invited as an “energy oracle” to the World Business Council on Sustainable Development Scenario Unit workshop, Oslo, 1998 (which led to WBCSD’s *Energy 2050*, April 1999). Authored, illustrated, designed, and managed the production of *Homemade Money: How to Save Energy and Dollars in Your Home*, a 276-page homeowners’ guide to cost-effective energy-saving measures in new and existing homes. Advised a local government committee on how to best strengthen building energy codes. Launched, funded, and drafted several titles in RMI’s *Home Energy Brief* series (titles: Lighting, Water Heating, Refrigerators & Freezers, Washing Machines & Dryers & Other Appliances, Windows, Home Office Equipment, and Home Cooling). Edited the electronic edition of *The Energy Directory Kit* and its companion volume *A Creator’s Manual*. Headed RMI’s marketing of all its new books and briefs. Assessed the environmental impacts of a major resort on Maui, Hawai’i. Wrote testimony recommending to the Hawaii Land Use Commission and Maui Planning Commission denial of the land use zoning change request for a proposed 232 MW oil-fired power plant.

**1992–1994: Energy Program Director and Energy Outreach Coordinator.** Co-authored (with Linda Baynham) a small book entitled *The Energy Directory: A Guide to Energy-Efficient Products and Services in the Roaring Fork Valley*. Invited participant, Fondation de la Progres de l’Homme’s *State of the World Conference*, Montreal, March 1993, and Paris, Sep. 1993. Provided expert review of OECD’s draft of a manual of energy efficiency strategies and policies for eastern European member states, Paris, Oct. 1993.

**1991–1992: Energy Program Acting Director and Energy Outreach Coordinator.** Responsible for managing a staff of three researchers (plus two support staff), three foundation grants, seven research projects, and a \$320,000 budget. Helped write several grant proposals that brought in grants totaling \$560,000 to the Institute.

**1989–1991: Senior Research Associate with RMI’s Competitek Group.** Co-authored (with Amory Lovins) a path-breaking report on electricity-saving office equipment (computers, components, printers, copiers, communications, & imaging equipment).

**1987–1989: Research Associate with the Global Security Program.** Researched U.S. and global security concerns regarding imports of critical and strategic materials: oil, manganese, cobalt, and the platinum group metals. The Security team proposed policy initiatives—oil efficiency, cobalt recycling, improved design and processing, platinum recovery, and government stockpile changes—to reduce U.S. vulnerability to supply interruptions. Attended ISODARCO in Venice, 1987, and the Greek North-South Development Forum, Athens, 1988.

**1984–1987: Research Associate with the Energy Program.** Project: comprehensive and oft-quoted study of Federal subsidies to the U.S. energy sector; RMI’s analysis and publications led to invited Congressional testimony before House and Senate Subcommittees, *Wall Street Journal* op-ed (with Amory Lovins), and some non-measurable influence on the Tax Reform Act of 1986. Heede also advised Douglas Koplow, then of Harvard and the Alliance to Save Energy (Washington, DC), during Mr. Koplow’s research for an update of energy subsidies for fiscal year 1989.

#### **1982–1983: National Center for Atmospheric Research.**

Cooperative fellowship between NCAR and the University of Colorado Dept of Geography to map global recoverable fossil fuels and publish a masters thesis on possible resource limits to global climate change. Principal findings: a) no resource limits on fossil carbon exist given foreseeable economic conditions and the rapid progress of exploration and extraction technology; b) severe and costly climatic changes are highly likely; and c) the least costly way to reduce the carbon intensity of the world’s economies is to vigorously pursue the diffusion of energy-efficient equipment and techniques. Advisors: Drs. Will Kellogg, Roger Barry, and Ken Erickson.

**1981-1983: University of Colorado.**

Student reference librarian at the University of Colorado's Geology, Physics & Mathematics, Engineering, and Norlin Reference Libraries.

**1979-1984: Omega Research.**

Founded this small independent company to conduct research and writing for corporations, non-profit organizations, and individual clients. Research expertise in natural resources, mining and minerals, economics, climate, energy, and land use.

## Software and mindware

Advanced Microsoft Word, Excel, and Powerpoint skills. Dwindling Norwegian and German. Superior writing and communication skills. Highly numerate. Attentive to detail. Good management experience. Excellent at listening, clarifying objectives, and resolving conflicting ideas and perspectives. Good appreciation of human nature and human potential. High personal work standards. Practiced at the art of the long view. Persistent preference for leading-edge work.

## Education

**1980-1983: University of Colorado (MA).**

Masters of Geography. Published a Cooperative thesis with the National Center for Atmospheric Research: *A World Geography of Recoverable Carbon Resources in the Context of Possible Climatic Change*; 140 pp, 5 maps. Coursework emphasized environmental economics, energy resources, resource policy, and climate change. GPA: 4.0.

**1971-1976: University of Colorado (BA, BA).**

Multi-disciplinary course of study in civil and environmental engineering, physics, mathematics, economics, geology, geography, social psychology, political science, and philosophy, with emphasis on energy futures and global environmental issues, and particular focus on energy efficiency, resources, and climate change.

Two BAs: Environmental Studies, and Philosophy. Minor in Economics. GPA: 3.2.

## Personal

Born in Oslo, Norway, 7 March 1952. Sailed to the U.S. in June 1967.

Married 1989-1996. Daughter: Shana Breeze Heede, born 17 June 1990.

Designed and built a super-efficient passive solar rammed earth home in Snowmass, CO, 1992, 39.28 N, 107.00 W, elev. 2300 m: 10.7 kWh/m<sup>2</sup>-yr, 4.8 kgC/m<sup>2</sup>-yr (heat + electricity).

Passions: parenting, relationships, skiing, flying, literature, science, environmental policy, corporate sustainability, science fiction, creative writing (currently writing an environmental thriller), innovation, futurism, human evolution, social psychology, spiritual development, philosophy, & music.

## Other activities

Advisor to Paris-based Helio International's Global Energy Sustainability Observatory regarding the selection of sensible indicators and the creation of a network of global observers to report on progress toward energy sustainability. [www.helio-international.org](http://www.helio-international.org)

Advisor to Sustainable Cities Trust, Christchurch, regarding Green Development issues, building efficiency, and climate mitigation/carbon reduction strategies.

Advisor to the City of Newcastle's Australian Municipal Energy Improvement Facility (AMEIF) unit pursuant to their goal to reduce corporate and city-wide emissions of greenhouse gases. [www.ncc.nsw.gov.au/services/environment/ameif/](http://www.ncc.nsw.gov.au/services/environment/ameif/)

Advisor to the Climate Neutral Network, Portland, OR. [www.climateneutral.com](http://www.climateneutral.com).

Associate, Real Living Solutions, Vancouver, Canada, [www.real-livingsolutions.com](http://www.real-livingsolutions.com)

## Publications

**Heede, Richard** (2006) *LNG Supply Chain Greenhouse Gas Emissions for the Cabrillo Deepwater Port: Natural Gas from Australia to California*, commissioned by California Coastal Protection Network and Environmental Defense Center (Santa Barbara), May06, 28 pp., plus spreadsheets (4pp) and cell notes (16 pp).

**Heede, Richard** (2006) *Aspen Greenhouse Gas Emissions 2004*, for the City of Aspen's Canary Initiative, commissioned by Aspen City Council, Climate Mitigation Services, January, 96 pp, including suite of 14 spreadsheets.

**Heede, Richard** (2005) "Energy and Carbon Savings in a typical Las Vegas Hotel: lighting and shower upgrades," spreadsheet calculations of total annual savings, commissioned by Pineapple Hospitality & Laurie David's "Earth to America" television special, Turner Broadcasting, Nov05.

**Heede, Richard** (2005) *Supplemental Declaration on behalf of Friends of the Earth v Mosbacher et al*, United District Court, San Francisco Division, for Shems Dunkiel Kassel & Saunders PLLC, Burlington, VT, Dec05, 55 pp.

**Heede, Richard** (2004) *Declaration and greenhouse gas emissions estimate of the Export-Import Bank of the United States and the Overseas Private Investment Corporation energy portfolios 1990-2004*, for Shems Dunkiel Kassel & Saunders PLLC, Burlington, Jan05, 76 pp.

**Heede, Richard** (2004) *Black Hydrogen: An Assessment of the U.S. Department of Energy's Plans for Nuclear Hydrogen Production*, commissioned by Greenpeace USA, Climate Mitigation Services, Snowmass, CO, 64 pp.

**Heede, Richard, & David Houghton** (2004) *Energy and Climate Plan for the Town of Telluride, Colorado: Audit and Policy Recommendations*, June 2004, Climate Mitigation Services and Resource Engineering Group, Snowmass, CO. 46 pp.

**Heede, Richard** (2003) *ExxonMobil Corporation: Emissions Inventory 1882-2002: Spreadsheet*, Climate Mitigation Services, Snowmass, Colorado, commissioned by Friends of the Earth Trust Limited, London; 13 tabloid worksheets, 72 pp, 5 charts, 1.3 MB. [www.foe.co.uk/campaigns/climate/resource/exxonmobil\\_climate\\_footprint.html](http://www.foe.co.uk/campaigns/climate/resource/exxonmobil_climate_footprint.html)

**Heede, Richard** (2003) *ExxonMobil Corporation: Emissions Inventory 1882-2002: Methods & Results*, Climate Mitigation Services, Snowmass, Colorado, commissioned by Friends of the Earth Trust Limited, London; 30 pp., 4 charts, references, 8.6 MB.

- Heede, Richard** (submitted) "The Road Less Traveled (Still): Oberlin College: Climate Neutral by 2020," *International Journal of Sustainability in Higher Education*, 10 pp.
- Heede, Richard** (2002) "Household Solutions Brief," *Cool Citizens: Everyday Solutions to Climate Change*, Brief #1, 18 pp. Rocky Mountain Institute, Snowmass, CO. Posted at [www.rmi.org/sitepages/pid173.php](http://www.rmi.org/sitepages/pid173.php), with "The Climate Neutral Household" chart.
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- Heede, Richard** (2002) "Emissions of U.S. Greenhouse Gases per Household and per Capita, 1998," *Cool Citizens: Everyday Solutions to Climate Change*, Excel spreadsheet with notes. RMI, Snowmass, CO. [www.rmi.org/sitepages/pid173.php](http://www.rmi.org/sitepages/pid173.php).
- Heede, Richard, & Joel Swisher** (2002) *Oberlin College: Climate Neutral by 2020*, for David Orr (chair of Oberlin's Dept. of Environmental Studies), and funded by Educational Foundation of America. Rocky Mountain Institute, Snowmass, CO. Main Report, 118 pp, Appendices, 286 pp. Available on CD-ROM from CMS.
- Heede, Richard** (2001) "The Road Less Traveled (Still): Oberlin College: Climate Neutral by 2020," Greening of the Campus Conference, Ball State University, Indiana, *Proceedings*, 10 pp.
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- Heede, Richard** (1998) *Stories of Personal Environmental Opportunities*, commissioned by Center for a New American Dream, Washington, DC, October, 15 pp.
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- Heede, Richard** (1997) *Summary of Carbon Emissions by Major Fossil Fuel Producers, 1992-1996*, commissioned by Greenpeace (Amsterdam), 10 pp.
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- Cureton, Maureen, Richard Heede, & David Reed** (1995) *The Energy Directory Kit*, Rocky Mountain Institute, Snowmass, CO.
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- Yoon, Daniel, & Richard Heede** (1994) "Keeping Warm and Staying Cool," *Garbage*, February, pp. 52-57.

- Heede, Richard, & Linda Baynham** (1993) *The Energy Directory: A Guide to Energy-Efficient Goods and Services in the Roaring Fork Valley*, Rocky Mountain Institute, Snowmass, Colorado, 80 pp.
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- Heede, Richard, & Robert Bishop** (1991) "Corporate Wealth through Waste," *Sierra magazine*, July/August 1991, pp. 16-18.
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- Heede, Richard** (1987) "Better Ways to Reduce Oil Imports," Testimony submitted to the Subcommittee on Energy and Agricultural Taxation, Committee on Finance, U.S. Senate, Hearing on Tax Incentives to Increase Energy Security, 5 June 1987, 6 pp.
- Heede, Richard** (1986) "Energy Subsidies," *Sierra magazine*.
- Heede, Richard, & Amory B. Lovins** (1985) "Hiding the True Costs of Energy," *Wall Street Journal*, 17 September 1985, p. 28.
- Heede, Richard, Richard E. Morgan, & Scott Ridley** (1985) *The Hidden Costs of Energy*, Center for Renewable Resources, Washington, DC, 28 pp.
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- Heede, Richard, & Seth Zuckerman** (1985) "U.S. Pays a Heavy Cost for Energy Investments," *Los Angeles Times*, 22 December 1985, p. V(3).
- Heede, Richard** (1985) *A Preliminary Assessment of Federal Energy Subsidies in FY 1984*, Rocky Mountain Institute, Testimony submitted to the Subcommittee on Energy Conservation and Power, Committee on Energy Commerce, United States House of Representatives, 20 June 1985, 28 pp.
- Heede, Richard** (1983) *A World Geography of Recoverable Carbon Resources in the Context of Possible Climatic Change*, National Center for Atmospheric Research, Boulder, Colorado, Cooperative Thesis #72, 140 pp. plus five fold-out maps.



**From:** Gregory Helms [ghelms@psinet.com]  
**Sent:** Friday, May 12, 2006 2:13 PM  
**To:** BHPRevisedDEIR@slc.ca.gov  
**Subject:** Cabrillo Port LNG Comments



May 12, 2006

Dwight E. Sanders  
 California State Lands Commission  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825

[Via Electronic mail, [BHPRevisedDEIR@slc.ca.gov](mailto:BHPRevisedDEIR@slc.ca.gov)]

RE: Revised Draft Environmental Impact Report for the Cabrillo Port LNG Natural Gas Deepwater Port; State Clearinghouse number: 2004021107

Dear Mr. Sanders:

The Ocean Conservancy (TOC) is a non-profit organization with more than 900,000 members and volunteers who are committed to protecting ocean environments and conserving the global abundance and diversity of marine life. While we have a number of concerns about this proposed facility and the failure of the Revised Draft Environmental Impact Statement (DEIS) to adequately assess the environmental impacts of the proposed action pursuant to the National Environmental Policy Act (NEPA), these comments address potential effects to fisheries and marine resources. We believe the analysis of the DEIS does not support the conclusion that impacts on the natural resources of the Gulf from siting and operating the proposed Liquefied Natural Gas (LNG) facility are short-term and minor, thereby rendering them acceptable in terms of the United States Coast Guard (USCG) duty to protect the public interest

#### 4.7 BIOLOGICAL RESOURCES — MARINE

##### Inadequate sampling of potential fisheries impacts

CalCOFI studies are probably appropriate for generic areas of offshore federal waters in generic conditions; however, neither the proposed site nor the conditions pertaining to biological features are generic. The

#### G013-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

#### G013-2

The method used to evaluate impacts on marine fisheries was developed in consultation with NOAA experts and uses available data. The monitoring measures identified in Section 4.7.4 would provide site-specific data for groundfish analyses.

G013-1

G013-2

condition of the west coast groundfish fishery, under a declared Federal Disaster because of severely depleted stocks, is suffering heavy recruitment overfishing. Because of this, the methodology described in appendix H1 is inadequate to identify and disclose the impacts to marine and fisheries resources that can reasonably be expected as a consequence of the proposed project.

Given the current depleted condition of the groundfish fishery, and its attendant socioeconomic impacts, even relatively minor impacts on egg and larvae distribution and abundance are to be considered significant. In particular, populations of groundfish species particular to southern California -- cowcod and bocaccio -- have caused unprecedented management measures aimed at their recovery including massive no-fishing areas, shortened fishing seasons and trip limits. Even with these measures, species such as bocaccio and cowcod are currently designated with one-hundred year recovery schedules.

Further, the mature, highly fecund females of these species that represent almost all of their recovery potential are nearly absent from the southern California bight, with the exception of small areas near the eastern end of the Santa Barbara Channel. Here, at and around a handful of offshore oil and gas production structures, low fishing pressure has left a regionally unique collection mature, fertile bocaccio and cowcod specimens. This localized phenomena -- crucial to the recovery of rockfish and successful management required under the Magnuson-Stevens Act-- is not accounted for under the coarse annual survey regime of CalCOFI. Site specific surveys are necessary to determine potential impacts to these species. Effort must be made to determine the proportion of reproductive potential within southern California exists in the project area for these species, and to use this figure to calculate a fraction of reproductive potential potentially impacted by the project.

Information regarding currents and oceanographic conditions suggests that the proposed project site may be subject to periodic pulses of eggs and larvae produced within the Santa Barbara Channel and carried eastward along the California Current. Reproduction of groundfish, and in particular the *Sebastes* (Pacific Rockfish) complex, are known to be characterized by infrequent, periodic events of intense egg and larvae production. Rockfish may go many years between successful recruitment events, yet this species group is entirely reliant on the success of these events for persistence. In the context of dramatic recent declines, impacts to these recruitment events is highly significant.

Site specific, repeated and intensive surveys are required to assess the potential impact of the proposed project in this subject area. CalCOFI datasets are insufficient as described above, and have the additional limitation of relatively shallow data gathering. Pacific rockfish larvae may be distributed well shallower (and perhaps deeper) than the 210 ft. level that CalCOFI surveys reach -- certainly rockfish adults are known to exist in waters many times that depth. The source water characterization must determine the localized density of organisms -- including special status species under Pacific Fishery Management programs, present in the project site, and in comparable depths, which may be locally much higher than within the CalCOFI quadrat. Project proponents must consult with Dr. Milton Love, Dr. Libe Washburn and other biological and oceanographic experts to develop a meaningful and dispositive survey program to properly assess the potential significance of impacts to Pacific Groundfish from the proposed project.

Also, a cumulative analysis of seawater intake and entrainment is necessary. Southern and central California experience the impacts of impingement and entrainment from hundreds of millions of gallons per day of seawater intake for various purposes. These impacts have been determined overall to be of significance and mitigation measures -- now in the process of court challenges -- have been assessed. The proposed project does not occur in a vacuum; it adds to a much larger context in which the destruction of marine eggs and larvae may contribute to significant loss of adult animals, not to mention the availability of prey for organisms which feed on zooplankton.

Because of these inadequacies, we believe the Revised Draft Environmental Impact Report provides a deficient basis for informed decisionmaking regarding this project and its potential impacts on marine and fisheries resources. We believe a thorough, site-specific sampling effort must be undertaken to create a proper basis for understanding and minimizing or mitigating potential impacts and to address the above-referenced deficiencies.

Thank you very much for your consideration of these comments.

Sincerely,

G013-2  
Continued

## G013-2 Continued

G013-3

G013-3  
Information and potential impacts on groundfish species have been updated in Section 4.7.4 under Impact BioMar-3.

## G013-4

The USEPA has indicated in its draft NPDES permit that monitoring will be required. Consultation with CalCOFI reaffirmed that the source water body was identified using the best available scientific knowledge.

The source water body area was identified as a result of consultation with experts (summarized in Section 4.1 of Appendix H1 and in Appendix H1.1), who acknowledged that the methods described in Appendix H1 to identify the source water body were reasonable.

## G013-5

Section 4.20.3.7 addresses cumulative impacts on marine biological resources.

G013-4

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. A closed loop tempered water cooling system, which recirculates water, would be used instead of a seawater cooling system, except during annual maintenance (four days for the closed loop tempered water cooling system, and four days for the Moss tanks when the inert gas generator [IGG] would be operating).

G013-5

Because seawater would only be used during these maintenance activities, the volume of seawater used would be greatly reduced. Section 2.2.2.4 describes the proposed seawater uptakes and uses for the FSRU. Appendix D5 describes seawater intakes and discharges during Project operations, and Appendix D6 describes the closed loop water system.

G013-6

The ichthyoplankton analysis (Appendix H and within Section 4.7) has been revised to reflect current intake volumes. Tables 4.7-8a and 4.7-8b in Section 4.7 provide a summary of the seawater uptakes required for operation of the FSRU and LNG carriers that were evaluated in the ichthyoplankton impact analysis.

## G013-6

Site-specific data are not available. After consultation with NOAA

and marine biology experts, the use of the CalCOFI database was determined to be appropriate for the purposes of the analyses contained in this EIS/EIR. CalCOFI surveys have been consistently collected over a period of time and are the best scientific data currently available.

Federal guidance regarding the level of information required under NEPA is provided in 40 CFR 1502.22(b), which states that the EIS must include: (1) a statement that such information is incomplete or unavailable; (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community.

The State CEQA Guidelines discuss forecasting in section 15144: "Drafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." Section 15145 of the State CEQA Guidelines states, however: "If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

The document conforms to the above requirements.

Gregory Helms  
Manager  
Channel Islands Region Ecosystem Program

\*\*\*\*\*

Gregory Helms

The Ocean Conservancy

120 BE West Mission Street

Santa Barbara, CA 93101

(805)687-2322

[ghelms@psinet.com](mailto:ghelms@psinet.com)

[Become an Advocate for Wild, Healthy Oceans](#)

P216

re: Lng Cabrillo Port CL# 2004021107

Dear Mr. Sanders, 7-19-06  
 please, please do not allow the  
 Cabrillo Port Lng to go through -

I am writing you on behalf of the  
 health & safety of my generation plus  
 my children's & their children's as well.

My husband & I have lived in Malibu for  
 52 years, we have 2 children & we are not  
 concerned with the "view" - just the air  
 quality of our beautiful city of Malibu, &  
 the potential for dangerous toxicity if an  
 earthquake were to occur & the pollution lng may  
 incur. Thank you so much, Kathy & Rick Hens

P216-1

P216-2

P216-3

P216-4

P216-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P216-2

Section 4.2.7.6 and the Independent Risk Assessment (Appendix C1) contain information on public safety impacts from various incidents at the FSRU. The analysis indicates that the maximum impact distance of an accident would involve a vapor cloud dispersion extending 6.3 nautical miles (7.3 miles) from the FSRU. The FSRU would be located approximately 12.01 nautical miles (13.83 miles) offshore; therefore, consequences of an accident involving LNG transport by carrier and storage on the FSRU would extend no closer than 5.7 nautical miles (6.5 miles) from the shoreline. Figure ES-1 depicts the consequence distances surrounding the FSRU location for worst credible events.

P216-3

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

P216-4

Section 4.11 contains information on seismic and geologic hazards and mitigation that specifically addresses the potential damage to proposed pipelines from a direct rupture along fault lines. Appendices J1 through J4 contain additional evaluations of seismic hazards.

May 5, 2006

The Honorable Steve Westly, Chair  
State Controller

The Honorable Cruz Bustamante, Member  
Lieutenant Governor

Mr. Michael Genest, Member  
Director, Department of Finance

California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, California 95825-8202

Dear Chair Westly and Commissioners Bustamante and Genest:

I am proud to have been elected to serve as commissioner for the Port of Hueneme, Oxnard Harbor District.

California's challenge in the 21<sup>st</sup> Century will be to find an energy source that is safe, reliable and serves the best interests of our community and state. Given the tremendous growth and potential of the Ventura County region, I feel that it is our duty to be part of the solution to California's energy shortage. We simply cannot afford more rolling blackouts and the consequences they have for our residents and our economy. Quite simply, our region, like so many in California, cannot grow without a stable energy supply.

With this in mind, it is our responsibility to fully investigate and research all aspects of available energy sources, including liquefied natural gas (or LNG), so that the public can make an informed decision based on facts, not on emotions.

In this regard, I am aware of recent proposals to address California potential energy shortage. Any energy facilities that are approved for construction should be distant from population centers. In Ventura County, for instance, a terminal should be offshore. The terminals should also be environmentally friendly and transparent. The last thing we need is another huge power plant along the coast or blocking our coastal view.

I recognize that it is your job to decide if a facility will or will not go forward. I hope that your deliberations will result in a positive option that best meets the criteria above and improves the quality of life for our city.

Thank you for your consideration.

Sincerely,

Jess Herrera

cc: Paul D. Thayer, Executive Officer

P412-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P412-1

From: Larry D Hilburn [lbhilbur@pacbell.net]  
Sent: Friday, May 05, 2006 9:50 PM  
To: BHPRevisedDEIR@slc.ca.gov  
Subject: Opposed to LNG

Dear Mr. Saunders,

We are opposed to the LMG terminal because of the harm it could cause the fragile environment. The Channel Islands National Marine Sanctuary could be hurt as well as the Ormand Beach wetlands. The dolphins in our area as well as migrating whales could be harmed as well.

Sincerely,

Larry and Barbara Hilburn

P039-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P039-2

Sections 4.7.4, 4.8.4, 4.13.1 discuss these topics.

P039-1

P039-2

**COMMENT ON REVISED DRAFT EIS / EIR  
FOR PROPOSED CABRILLO DEEPWATER PORT**

DATE: 11 May, 2006

TO: Mark Prescott, Deepwater Port Standard Division, USCG  
Dwight Sanders, Div. Enviro. Planning and Mgmt., CSLC  
Cheryl Karpowicz, Ecology & Environment, Inc.

FROM: Kraig Hill, independent analyst  
20544 Seaboard Rd.  
Malibu, CA 90265  
kraig@earthlink.net  
310-456-8229

PROJECT: Cabrillo Port Liquefied Natural Gas Deepwater Port

APPLICANT: BHP Billiton LNG International, Inc.

DOCKET #: USCG-2004-16877

STATE CLEARINGHOUSE #: 2004021107

CC: Arnold Schwarzenegger      Fran Pavley  
Cruz Bustamante      Alison Dettmer  
Barbara Boxer      Terry Tamminen  
Diane Feinstein      Malibu City Council  
Sheila Kuehl      Ken Kearsley  
Lois Capps      Susan Jordan  
Pedro Nava      Linda Krop

---

**Readers: this document is available as a PDF from which you can copy and paste, at: <http://home.earthlink.net/~kraig/cabrilloport.htm>**



P088-1

Thank you for the information. Responses to the previous comments submitted by this commenter can be found in 2004 Comment Letter G434.

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## PREFACE

As agency reviewers may recall, I submitted a 91-page comment in response to the last DIES/R. Some of you acknowledged it as having been helpful. (Thank you.) My comments are still available on the Federal Docket website; they are also posted online at:

<http://home.earthlink.net/~kraig/cabrilloport.htm>

P088-1

I recently underwent major surgery and am experiencing a slower recovery than anticipated, so unfortunately have not been able to develop complete comments in response to the current Revised DIES/R. Nonetheless, I have read the entire document, and can provide comments of a general nature, as well as a few more detailed comments in a few select areas.

Readers unfamiliar with my work and my ecumenical stance with respect to natural gas usage may glean perhaps more than they care to know in the footnote below.<sup>1</sup> Although I have become

<sup>1</sup> I have relevant background in many of the policy areas invoked by the proposed project, having emphasized an interdisciplinary perspective throughout my career. I studied the resources and environment of the Channel Islands in the Master of Marine Affairs program at the University of Washington, where I also earned a degree in law (and was Editor-in-Chief of the *Pacific Rim Law & Policy Journal*). As an undergraduate in the *Science in Society* program at Wesleyan University, I took courses with professors from Woods Hole Oceanographic Institute. I've visited the Northern Channel Islands several times, and have sailed through the FSRU location on several other occasions.

I've worked in positions both "for" and "against" industry. On the private side, I've done software modeling for a hydrocarbon and minerals wildcatting firm, Waterford Resources, Inc., and statistical analysis of fisheries data for Natural Resources Consultants, Inc. – the same firm which BHPB has employed for the current project (my statistics background also includes co-writing the training manual for Systat statistical software.) Incidentally, I often agreed with the views of my late grandfather, Mason L. Hill, Vice President of Oil Exploration for ARCO (he was also a renowned geologist, having proposed

a critic of the project, I did not start out that way. And whereas BHPB has publicly complained that all its critics are motivated by ulterior political motives, that is certainly not the case with me. I'm an independent citizen with no axe to grind, other than to ensure that, if a project of this scope, complexity, and potential hazard were to be undertaken, it be done with the greatest possible rigor and precision. I still don't see that happening.

## GENERAL COMMENTS

### *Flaws in the previous draft are perpetuated*

Unfortunately for BHPB's sake, the great majority of my comments on the initial DEIS/R are still applicable. The similarity of the two drafts is underscored by the determinations of USCG and MARAD that "there is not a need to recirculate the draft under NEPA;"<sup>2</sup> i.e., the totality of new information and any project modifications introduced since the DEIS/R are less than significant. Presumably this also is also an admission that deficiencies in the original application have not been corrected. **Therefore, I request that agency reviewers consider my original 91-page comment as being incorporated by reference into this, my current comment. Even where project details have somewhat changed, my underlying arguments generally still apply.**

A handful of my minor comments have been addressed in the Revised draft (RDEIS/R), but many of the more significant comments have not been, or they've been skirted by the verbal equivalent of hand-waving. In some cases, the RDEIS/R has provided marginally more data and detail, yet these are frequently of sorts that do not materially support the underlying assertions – which remain little or not at all supported.

In many other cases, project elements which were once cited as being subject to further study have now been studied admittedly only "preliminarily," such that further study would still necessary to make meaningful assessments of viability and/or impacts. The authors of the RDEIS/R have apparently taken care this time around to couch the notion "requires further study" using different phraseology each time, yet the careful reader will observe that much work has still not been done. In other words, the fantasy sketched out in the first draft now has more lines and shading drawn into it, but remains a sketch of a fantasy.

Following are a few examples of unperformed or incomplete analyses in the RDEIS/R. Without yet having performed these (and others), the project cannot be adequately evaluated.

---

the theory of plate tectonics and developed the nomenclature of fault movements). On the environmental side, I assisted the City of Malibu in its 1997 effort to establish a Malibu Marine Refuge, participating in the research and documentation phase, and contributing to the draft legislation sent to Sacramento (the final bill, SB 1006, 1997, was passed by both houses, before being vetoed by then-Governor Wilson). Since then, I've done policy research, writing and editing for non-profit organizations on a variety of environmental and telecommunications topics.

My base values are ecumenical with regard to the benefits of natural gas and the need to balance human and non-human interests in the environment. In that regard, I approached the BHPB project objectively; only after extended study did I come to doubt both the need for it and its overall viability.

<sup>2</sup> ES-1.

P088-2

### P088-2

Mitigation measures for each significant impact are stipulated throughout the EIS/EIR and those that require future products, e.g., the Biological Resource Mitigation Implementation and Monitoring Plan, contain a listing of topics that must be addressed. These requirements are performance standards by which such plans would be evaluated when it is practical to prepare them. Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)). NEPA does not require performance measures for proposed mitigation but only requires mitigation measures to be identified (40 CFR 1502.14(f) and 1502.16(h)).

The lead Federal and State agencies share the responsibility to ensure that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented, consistent with section 15097(a) of the State CEQA Guidelines, to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

As stated in Section 4.11.1, "[n]either Federal (the USCG and the U.S. Maritime Administration [MARAD]) nor State (CSLC) lead agencies require deepwater port applicants to provide final detailed designs as part of their application. If a license is approved, the deepwater port licensee is required to submit all plans of the offshore components comprising the deepwater port to the USCG for approval. If the CSLC approves the lease application, the conditions of the lease would include the specific requirement that the Applicant submit, for review and approval by State agencies, detailed design criteria and final detailed engineering designs with respect to facilities to be located in State waters or onshore areas. The Applicant would also be required to submit, for review and State agency comment, detailed design criteria and final detailed engineering designs with respect to the FSRU and other facilities to be located in offshore Federal waters. Submission of additional design studies may be required under the conditions of the lease with respect to such facilities before construction of the deepwater port can begin." Information provided is sufficient for the purposes of the environmental review.

## P088-2 Continued

P088-2  
Continued

- “The IRA also recommends that additional safety analyses be conducted and the results incorporated into the final design and operations of the proposed Project.”<sup>3</sup>
- “To reduce the likelihood and severity of a potential release, the Applicant would design, test, and operate the FSRU in accordance with applicable rules and regulations.”<sup>4</sup> Apparently, no one knows whether this could be done.
- “The Applicant has also agreed to identify an emission reduction program...that would reduce annual emissions of oxides of nitrogen (NOx) by an amount up to the FSRU’s annual NOx emissions.”<sup>5</sup> No such program has been “identified,” so it can’t be known whether or how effective it might be.
- “To reduce construction emissions, the Applicant would...prepare and implement a Construction Emissions Mitigation Plan and a Fugitive Dust Control Plan to minimize emissions from equipment engine exhaust and fugitive dust.”<sup>6</sup> Without such plans, the potential impacts cannot be analyzed.
- “The Applicant would conduct...pre-construction plant surveys to identify any sensitive plant species within the ROW. The results of the surveys would be used to develop a Biological Resources Mitigation and Monitoring Plan...”<sup>7</sup>
- “The Applicant would ...conduct site-specific seismic hazard studies prior to construction and evaluate suspected active fault crossings to accurately define the fault plane location, orientation, and direction of anticipated offset, and the magnitude of the anticipated offset at the fault locations.”<sup>8</sup>
- “[A] survey identified fourteen sites within 328 feet (100 m) of the pipeline route that could contain objects of human origin. To ensure that none of these objects are damaged, the Applicant would conduct a more focused marine archaeological survey...”<sup>9</sup> As I understand the law, because the preliminary survey has now demonstrated a definite possibility of archeological remains, BHPB must now conduct that “more focused” survey before the project plans can be approved.
- “The Applicant is responsible for developing and implementing a Facility Response Plan for the FSRU, Spill Prevention, Control, and Countermeasures Plans for onshore and nearshore Project activities, and oil spill contingency plans for a Project construction vessel and for the FSRU.” Without having such plans, it is impossible to assess potential impacts.

---

<sup>3</sup> ES-16.

<sup>4</sup> ES-21.

<sup>5</sup> ES-28.

<sup>6</sup> ES-28.

<sup>7</sup> ES-31.

<sup>8</sup> ES-34.

<sup>9</sup> ES-32.

Those are but a few of the many dozens (if not hundreds) of instances where the project is still not developed enough to be meaningfully evaluated and analyzed.

***BHPB's approach remains "fast and loose"***

The RDEIS/R also continues to perpetuate confused, careless and/or purposefully misleading information in the text, and doubtless adds new bits of fuzziness. One representative example: "the population along the Center Road Pipeline route that is below the poverty level exceeds the number in Ventura County."<sup>10</sup> On its face, this is saying that more poor people live along Center Road than in all of Ventura County – obviously incorrect. It is impossible to know from the context what was actually meant. For a project of this scope, complexity and potential impact, such sloppiness is inexcusable.<sup>11</sup>

Perhaps nowhere is BHPB's freewheeling approach more unsettling than in its consistent unwillingness to consider the "unknown unknowns" (pace Secretary of Defense Rumsfeld).<sup>12</sup> The dangers are exemplified by BHPB's reaction when one of their offshore rigs in the Gulf Mexico was torn loose from its moorings and drifted almost two hundred miles. They stated publicly that they couldn't understand how it could have happened because they had designed it to withstand hurricanes. Well, apparently they hadn't, because they hadn't factored in the "unknown unknown" contingencies. It appears that a similar degree of thoughtlessness has gone into the current project proposal.

## PROJECT NEED

***No case made for Project Need***

The RDEIS/R flatly states: "[t]he need for the proposed Project is market-based: it would meet the economic need for reliable and diverse sources of natural gas."<sup>13</sup> As shown below, the RDEIS/R develops no real argument that reliability and diversity of supply would be increased; indeed, implementation of the project would likely reduce both reliability and diversity. Moreover, the only apparent economical benefit of the project would be to BHPB themselves. Where substantiated arguments are called for, the DEIS/R has provided only a highly selective mish-mash of factoids on energy supply and consumption. For instance, of the eight listed objectives of the DWPA,<sup>14</sup> arguably six have not or cannot be met.

<sup>10</sup> ES-40.

<sup>11</sup> Items like that one, which pertains to environmental justice, and, for instance, the lack of any economic valuation of aesthetically-diminished views, suggest that the corporate culture of BHPB is not ultimately concerned about the potential impacts on local citizens (except to the extent that such impacts might affect profitability). Although I cannot say with certainty why this might be so, a plausible guess would be that the company's culture is rooted in the wildcatting frontier mentality of a mining venture, where the sole bottom line is financial.

<sup>12</sup> Addressed in more detail in my 91-page comment.

<sup>13</sup> 1-7.

<sup>14</sup> 1-8.

## P088-2 Continued

P088-2  
Continued

### P088-3

The text in the Executive Summary has been revised to clarify that the poverty rate along the Center Road Pipeline route exceeds the poverty rate in Ventura County.

P088-3

### P088-4

Sections 1.2.2 and 1.2.3 contain information on natural gas needs in the U.S. and California. Forecast information has been obtained from the U.S. Department of Energy's Energy Information Agency and from the California Energy Commission. LNG is natural gas that has been liquefied for transportation purposes. As stated in Section 1.2, "[n]atural gas burns cleaner than other fossil fuels, which meets other societal goals such as reduced air pollution." As stated in Section 1.2.5, "[t]he natural gas delivered by the Project would be relatively clean burning compared to other fuel sources and would meet all California regulatory specifications for pipeline natural gas without further treatment..." As stated in Section 1.2.4, "[w]hile energy independence is a national goal, it is influenced by other national considerations such as energy sufficiency, energy security, and the United States economy. In light of the EIA's projections, natural gas imports are necessary to ensure a reliable alternative energy source that enhances the nations diversity of energy supplies and energy sufficiency and supports a thriving United States economy."

P088-4

The lead agencies are obligated to use energy forecasting information from the Federal Energy Information Administration (EIA) and the California Energy Commission (CEC). As discussed in Section 1.2.2, the Federal EIA is a "primary source of the data on the Federal energy forecasts and analyses used in this document. The EIA, created by Congress in 1977, is part of the U.S. Department of Energy. The EIA provides policy independent data, forecasts, and analyses to promote sound policy-making, efficient markets, and public understanding regarding energy and its interaction with the economy and the environment." In addition, Section 1.2.3 discusses the use of CEC data. The CEC's 2005 Integrated Energy Policy Report Committee Final Report provides the energy context for California's natural gas needs. The California Legislature recognizes that the CEC is the State's principal energy policy and planning organization and that the CEC is responsible for determining the energy needs of California. These responsibilities are established in State law (the Warren-Alquist State Energy Resources Conservation and Development Act [Public Resources Code, Division 15]).

Finally, MARAD is responsible for determining whether the criteria specified in the DWPA are met.

***Demand for natural gas is significantly overstated***

Assumptions in the RDEIS/R about both U.S and California projected demand for natural gas are significantly inflated.

On the national level, the RDEIS/R cites the EIA as projecting an average growth in demand of 1.5% per year, from 2003-2025.<sup>15</sup> In itself, this rate is well within the range of what could be addressed through plausible programs of conservation and use of alternative and renewable fuels. Looking at the demand curve more closely, however, one sees that greatest projected increase occurs before 2010 (2.1% per year), whereas after that, the rate declines to 0.9%. That rate of 0.9% per year could be easily satisfied by other energy sources having less of a global environmental "footprint" than LNG has. Plus, even in the most rapid development scenario, the project would scarcely be online before 2010 – it would come into existence too late to be needed. It could be obsolete by the time it was built.

At the state level, the demand projections used by the RDEIS/R are even more striking in showing no significant increase in demand. The CEC projects an increase of 0.7% per year.<sup>16</sup> In itself, this would be insignificant justification for increasing state gas supplies by 10-15%, as the project would intend. But that 0.7% annual increase becomes entirely meaningless when one takes into account new measures of energy conservation, efficiency and renewable generation that can be implemented. Contrary to assertions in the RDEIS/R, the CEC demand projection is *not* based on there being further development of such energy sources; rather, the projection incorporates the increased efficiencies to be expected by state programs that are already in the works (omitting consideration of potential state and private measures). Elsewhere, the CEC notes that LNG is not strictly necessary.<sup>17</sup> And the CEC actually cautions against over-dependence on foreign sources.<sup>18</sup>

***The project would not increase reliability of supply***

The LNG would likely not be coming from Australia, as advertised. There, development of the offshore Scarborough Fields that BHPB has touted has been indefinitely postponed. Exxon, BHPB's development partner in the fields, backed out of their agreement on the grounds that the fields didn't have enough gas and were too far offshore to be economical. Instead, the gas would likely be coming from Indonesia, Russia, or even Qatar. Both Indonesia and Russia are notable for having frequent disruptions in supply.

Also, if LNG tankers were not to arrive at the FSRU for more than several days, the storage tanks would run down; otherwise, supply to the shore pipelines would have to be suspended. Then the storage tanks would have to be put through a re-cooling process that takes another several days to implement before gas can be processed again. So a scenario would be set up whereby ten percent of the gas upon which California relied could be unavailable for 4-5 days

<sup>15</sup> 1-9.

<sup>16</sup> 1-10.

<sup>17</sup> I don't have time to find that citation at the moment, but I have read the CEC reports closely, enough to know that the RDEIS/R is being disingenuous on this point.

<sup>18</sup> 1-11.

P088-5

P088-5

Sections 1.2.2 and 1.2.3 contain updated information on natural gas needs in the U.S. and California. Forecast information has been obtained from the U.S. Department of Energy's Energy Information Agency and from the California Energy Commission.

Sections 1.2.2, 1.2.3, 1.2.4, 3.3.1, 3.3.2, and 4.10.1.3 contain information on the need for natural gas, the role and status of energy conservation and renewable energy sources, and the California Energy Action Plan.

Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

As discussed in Section 1.2.1, the California Energy Commission (CEC) and California Public Utilities Commission (CPUC) must "carry out their respective energy-related duties based upon information and analyses contained in a biennial integrated energy policy report adopted by the CEC." Section 1.2.1 also describes the public process that is used to develop the Integrated Energy Policy Reports to ensure that California's energy-related interests and needs are met. Section 1.2.3 discusses, in part, the CEC's and CPUC's conclusions within the state of California's Energy Action Plan II; Implementation Road Map for Energy Policies, for example, to diversify natural gas supply sources to include LNG.

P088-6

As indicated in Section 4.10.1.3, California Energy Action Plan, "To offset some of the demand for natural gas, California is increasing its energy conservation programs, will retire less efficient power plants, and is diversifying its fuel mix by accelerating the Renewables Portfolio Standard. However, according to the State's 2005 Energy Action Plan, 'California must also promote infrastructure enhancements, such as additional pipeline and storage capacity, and diversify supply sources to include liquefied natural gas (LNG)' (CEC and CPUC 2005)." Contrary to the comment, the CEC has studied whether California needs to import LNG to meet its energy needs and concludes, as indicated above, that it does.

P088-7

As also discussed in Section 4.10.1.3, the CPUC recently reaffirmed that both the State's Integrated Energy Policy Report and Energy Action Plan recognize the need for additional natural gas supplies from LNG terminals on the West Coast: "However, even with strong demand reduction efforts and our goal of 20%

renewables for electric generation by 2010, demand for natural gas in California is expected to roughly remain the same, rather than decrease, over the next 10 years. This is because, a substantial portion of the other 80% of electric generation (not met by renewable energy sources) will need natural gas as its fuel source, and natural gas will still be needed for the growing number of residential and business customers of the natural gas utilities."

#### P088-6

Sections 1.3 and 2.2.1 contain information on the anticipated source of the natural gas. The Applicant would be required to ensure that any natural gas imported would meet California requirements for pipeline quality regardless of the source and would have contractual obligations with SoCalGas as to the amount of natural gas delivered.

#### P088-7

Section 1.0, "Introduction," has been updated to more clearly specify the throughput figures used in the environmental analysis. As stated, "Under normal operating conditions, the annual average throughput would be 800 million cubic feet per day; however, the Applicant has calculated that maximum operating scenarios would allow deliveries of up to 1.2 billion cubic feet per day, or the gas equivalent 1.5 billion cubic feet per day on an hourly basis for a maximum of six hours. These operating conditions would only be in effect if SoCalGas were to offer the Applicant the opportunity to provide additional gas in cases of supply interruption elsewhere in the SoCalGas system, or extremely high power demand, for example, during hot summer days." In addition, applicable sections of the document have been updated similarly to clarify the throughput figures used in the analysis, including Sections 4.6, 4.7, 4.14, and 4.18.

As noted in Section 1.2, the proposed Project includes storage to provide a reliable supply of natural gas.

or longer – which could foreseeably occur not infrequently. In contrast, interstate pipeline supplies come from a variety of interchangeable sources; as such, they are plainly more reliable.

The RDEIS/R doesn't account for how such supply variability might affect 'reliability.' To the extent that the issue of supply reliability is ambiguous at best, it cannot be used as point in favor of "project need."

***The project would be less economical than the No Action alternative***

BHPB can't make the case for project need because the state legislature and pertinent agencies are still in the process of figuring out whether imported LNG might be needed, and under what circumstances. In this regard, the project application is necessarily premature – a cart before the horse. Californians don't know whether we need any imported LNG, yet BHPB would have the state commit over ten percent of its gas demand to a single, locked-in supplier. Economically, this would be anti-competitive: to the extent that California would become dependent on their supply (as BHPB assumes would happen), BHPB they could charge however much they wanted.

In contrast, and contrary to assertions in the RDEIS/R, the existing pipeline system does provide for competition among gas suppliers. If the project were approved, FERC would release pipeline contracts for comparable amounts of gas – thereby reducing the total number of competitive sources.

Meanwhile, foreign supplies are likely to remain more expensive than domestic ones, given the burgeoning demand in China, India and elsewhere.

All of this fairly guarantees that California consumers would likely be paying a premium price for the ten percent of demand in question.

***Recent political-economic conditions weigh further against the project***

Several recent changes in the political-economic scene – none of which are acknowledged in the RDEIS/R – further indicate that the project could result in more harm than good.

Market-watchers indicate that imported LNG will likely remain more expensive than domestic gas for the indefinite future. Moreover, the clamor in the media about increasing demand has come from the suppliers who would reap profits – but actual demand has not increased significantly. Despite assertions in the RDEIS/R, Hurricane Katrina did not cause significant supply problems. This event, arguably the most potentially significant hit on supply in recent years, turned out to be little more than a blip.

In fact, when prices have spiked, it has been due not to fluctuations in actual demand, but to the "irrational exuberance" of speculators. A recent study by the National Association of State Governors found that whereas gas demand has increased insignificantly in the past few years, prices have doubled solely due to speculators' manipulations.<sup>19</sup> As it is, gas supplies are not subject to a truly free market, but instead to a marketplace which by regulatory design resembles

**P088-7 Continued**

P088-7  
Continued

**P088-8**

Section 1.2.3 contains updated information on natural gas needs in California. Forecast information has been obtained from the California Energy Commission.

**P088-9**

Section 4.16 does not discuss international economic implications, natural gas pricing, or supply chain issues related to the Project because the related physical changes that would produce environmental consequences are highly speculative and infinite variations could occur. Chapters 1, 2, and 3 contain information on the proposed Project's purpose, need, and objectives; natural gas supply features; and the State's natural gas requirements.

Section 1.2 discusses dependence on foreign energy sources.

P088-8

P088-9

<sup>19</sup> Citation available on request.



a gambling game, wherein gas supplies are the chits, and just a few players win, to the detriment of consumers.<sup>20</sup>

Meanwhile, several LNG terminals in Baja California are in development, further ahead in their respective timelines than is BHPB (see discussion below, at “Alternatives”). These enterprises have each expressly dedicated a significant portion of their throughput to California. Thus, if there will ever be any need for the state to receive LNG imports, it evidently already has at least one source (possibly more) in line ahead of BHPB.

Furthermore, in recent months, U.S. policy has taken a strong turn against dependence on overseas energy sources. This reevaluation of preferences has been widely expressed from the top down, by the President, Congress, and in polls of registered voters. In this context, the RDEIS/R’s reliance on the notion that the DWPA was intended to increase “access to worldwide sources”<sup>21</sup> now is outdated. (As well as overstated: actually, the DWPA was simply intended to promote “deepwater ports as a safe and effective means of importing oil or natural gas into the United States” – a far less aggressive aim.<sup>22</sup>) “National energy self-sufficiency” is the new mantra of policymakers of all political persuasions. If ever there were a time for LNG imports, it may have come and passed.

In short, little evidence for “project need” is given, whereas Californians’ experience provides strong arguments against it. If pricing and reliability are top concerns, then the state would be far better served by further development of renewable energy sources and by reform of the market deregulations that enable prices to be driven up by speculative traders.

## ALTERNATIVES

The RDEIS/R does not meaningfully discuss alternatives. Instead, it employs a sort of semantic sleight-of-hand. Briefly dismissing “alternatives to the project,” it focuses mainly on “alternative projects.” In the process, it implicitly makes unwarranted assumptions about project need. Even the projects that it does present are “straw men.” None of them would be remotely viable, for a variety of reasons, so cannot be considered proper alternatives. Discussion follows.

<sup>20</sup> In principle, deregulation could work to increase competition, if structured properly; however, because the gas industry provides a quasi-public good (as do the oil and telecom industries) deregulations in recent years have enabled companies holding semi-monopolies to further consolidate their holdings – as they do, price manipulation becomes evermore easy. California has experienced price manipulation by Enron and SBC telecom

<sup>21</sup> 1-10.

<sup>22</sup> § 1501(a)(5).

## P088-9 Continued

P088-9  
Continued

### P088-10

Sections 1.2, 3.1, 3.2, 3.3.1, 3.3.2, 3.3.3, contain information on the range of alternatives evaluated. Sections 4.10, and 4.10.1.3 contain information on California's Energy Action Plan, including the roles of energy conservation and renewable energy. Under NEPA and the CEQA, a reasonable range of alternatives must be considered. NEPA requires consideration of a "reasonable" number of alternatives. In determining the scope of alternatives, the emphasis is on "reasonable." "Reasonable" alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a). The information must be sufficient to enable reviewers and decision-makers to evaluate and compare alternatives.

The State CEQA Guidelines section 15126.6(a) provides, in part, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project."

P088-10

The EIS/EIR initially evaluated 18 locations for the FSRU as potential locations for the deepwater port. It built on previous California Coastal Commission studies that evaluated nearly 100 locations. Sections 3.3.7 and 3.3.9 discuss alternate locations and technologies that were considered.

## P088-10 Continued

**What is a “reasonable alternative?”**

As the RDEIS/R observes,<sup>23</sup> under NEPA and CEQA *reasonable alternatives* are those which:

- Satisfy most of a project’s basic objectives;
- Avoid or substantially lessen any of a project’s significant effects; and
- Are feasible.

With respect to *basic objectives*, this comment (as well as my 91-page comment) demonstrate that Project Need has not been established; at best, it remains ill-defined. The stated objectives of reliability, diversity, and economy of supply have not been demonstrated; indeed the evidence indicates that each of these could be significantly reduced if the project were implemented.

As for *significant effects*, the RDEIS/R itself admits to multiple unmitigable impacts.<sup>24</sup>

The question as to whether the project is *feasible* remains unanswered, as many of the necessary analyses and technical studies remain incomplete.

Thus, it would appear that a myriad of other conceivable projects could better fulfill the project’s stated aims – and that no project at all would be the most *reasonable* alternative.

**Alternatives incorrectly eliminated from consideration**

The RDEIS/R eliminates *energy conservation measures* as an alternative on the grounds that “they are ongoing activities that would occur regardless of whether or not the proposed Project proceeds.”<sup>25</sup> This absurdly assumes that such measures represent a zero-sum game; that all such measures that could be taken are being taken already. In doing so, it ignores the certain likelihood that further measures would be cleaner, more reliable and more economical than LNG imports.

The RDEIS/R further eliminates *conservation* from consideration on the grounds that “MARAD and the CSLC do not have authority to initiate or implement additional broad-based, long-term energy conservation policy measures.”<sup>26</sup> While doubtless true, this is entirely irrelevant. One could just as truthfully state that these agencies don’t determine energy demand – but that doesn’t mean they don’t have to take it into consideration in evaluating Project Need.

*Renewable energy sources* are similarly eliminated from consideration as alternatives in the RDEIS/R, on equally unsupportable grounds. This purported rejection is comprised of several pages of data on renewable sources,<sup>27</sup> none of it marshaled into any sort of argument. Curiously the RDEIS/R adds another basis for rejection: that renewables wouldn’t reduce the need for short- and mid-term supplies. That’s odd. One could go out and install solar panels tomorrow,

<sup>23</sup> 3-1.

<sup>24</sup> 1-8.

<sup>25</sup> 3-5.

<sup>26</sup> 3-6.

<sup>27</sup> 3-6-8.

P088-10  
Continued

P088-11

P088-12

P088-13

**P088-11**

Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

Sections 1.2.3 and 4.10.1 contain additional information on renewable energy. As discussed in Section 1.2.1, the California Energy Commission (CEC) and California Public Utilities Commission (CPUC) must "carry out their respective energy-related duties based upon information and analyses contained in a biennial integrated energy policy report adopted by the CEC." Section 1.2.1 also describes the public process that is used to develop the Integrated Energy Policy Reports to ensure that California's energy-related interests and needs are met. Section 1.2.3 discusses, in part, the CEC's and CPUC's conclusions within the state of California's Energy Action Plan II; Implementation Road Map for Energy Policies, for example, to diversify natural gas supply sources to include LNG.

As indicated in Section 4.10.1.3, California Energy Action Plan, "To offset some of the demand for natural gas, California is increasing its energy conservation programs, will retire less efficient power plants, and is diversifying its fuel mix by accelerating the Renewables Portfolio Standard. However, according to the State's 2005 Energy Action Plan, 'California must also promote infrastructure enhancements, such as additional pipeline and storage capacity, and diversify supply sources to include liquefied natural gas (LNG)' (CEC and CPUC 2005)." Contrary to the comment, the CEC has studied whether California needs to import LNG to meet its energy needs and concludes, as indicated above, that it does.

As also discussed in Section 4.10.1.3, the CPUC recently reaffirmed that both the State's Integrated Energy Policy Report and Energy Action Plan recognize the need for additional natural gas supplies from LNG terminals on the West Coast: "However, even with strong demand reduction efforts and our goal of 20% renewables for electric generation by 2010, demand for natural gas in California is expected to roughly remain the same, rather than decrease, over the next 10 years. This is because, a substantial portion of the other 80% of electric generation (not met by renewable energy sources) will need natural gas as its fuel source,

and natural gas will still be needed for the growing number of residential and business customers of the natural gas utilities."

P088-12

Both NEPA and the CEQA require the consideration of alternatives to a proposed project. A lead agency's lack of jurisdiction over a potential alternative is one factor that it may consider in determining if a potential alternative is feasible, reasonable, and merits detailed study in an EIS/EIR. Whether a potential alternative is purely hypothetical or speculative, or whether the potential alternative can be accomplished in a successful manner in a reasonable period of time are additional factors the lead agency may consider in assessing the feasibility and reasonability of the potential alternative.

From a NEPA perspective, while a Federal agency must analyze "a range of reasonable alternatives" (as opposed to any and all possible alternatives), and may be required to analyze an alternative that is outside the capability of an applicant and that is outside the jurisdiction of the agency, the threshold question in determining whether to analyze any alternative is whether that alternative would be a "reasonable" alternative. Reasonable alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a).

To provide for an effective "hard look" at the alternatives the agency must limit the range to those alternatives that will best serve the environmental review process, and not needlessly examine and discuss in depth remote or speculative alternatives that that discussion does not facilitate a better decision making process. As stated in 40 CFR 1502.14(a), the EIS should "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."

Section 15126.6(a) of the State CEQA Guidelines states, in part, "[t]he Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives." The California Supreme Court in the Citizens of Goleta Valley case recognized that while an agency's jurisdiction was only one factor to consider, "[t]he law does not require in-depth review of alternatives that cannot be realistically considered and successfully accomplished." In addition, the discussion in section 15364 in the State CEQA Guidelines states that "[t]he lack of legal powers of an agency to use in imposing an alternative or mitigation measure may be as great a

limitation as any economic, environmental, social, or technological factor."

Chapter 3 discusses energy conservation, efficiency, and renewable sources of energy, and explains why these potential alternatives were not studied in detail in the EIS/EIR. The range of alternatives studied in detail is reasonable and conforms to NEPA and the CEQA requirements.

P088-13

See the response to Comment P088-11.

One of the reasons that renewable energy sources were eliminated as an alternative was that it "would not eliminate the need for both short and mid-term supplies of additional natural gas."

but the BHPB project would be lucky to come online soon enough to address “mid-term” demand (and forget short-term).

*New or expanded pipelines* are also spuriously rejected from consideration.<sup>28</sup> The RDEIS/R claims that they “would not meet the Project objective of increasing the diversity of natural gas supplies to California.”<sup>29</sup> Ironically, they would do just that, as pipelines are typically open to supplies from multiple competitive sources, whereas the BHPB project would lock-in a portion of California’s supply to a single non-competitive supplier (BHPB). The relevant meaning of “diversity” pertains to economic competition, not to the geographical location of gas extraction; it’s not a question of where the gas comes out of the ground, but of how many different producers can meaningfully compete to supply it.

*Baja Mexican LNG terminals* have also been inappropriately rejected as alternatives.<sup>30</sup> The RDEIS/R tries to make the point that these facilities are too hypothetical, yet several are already under construction, way ahead of the BHPB project on their respective timelines. The RDEIS/R also suggests that they should not be considered because they would primarily serve Mexico, yet they are being built expressly to dedicate a significant portion of their throughput to U.S. users – Sempra already has contracts in place; the CPUC has already setup the legal and logistical regimes for the pipelines that will carry the gas to California.. The gas that Baja facilities would provide would be comparable to or greater than the amount that BHPB could provide.

**Other “alternative projects”** (e.g., Camp Pendleton, Deer Canyon, etc.) are eliminated from consideration based on criteria that almost always are applicable to the BHPB project itself.<sup>31</sup>

In short, the RDEIS/R has failed to seriously address any of the real *alternatives to the project*, such as conservation, increased efficiency and use of renewables, and instead focused on dismissing *alternative projects*. What remains is the only viable alternative: No Action.

## GEOLOGICAL HAZARDS

### *The interaction among quake faults and pipelines is more significant than stated*

To its credit, the RDEIS/R concedes that “[s]eismic events such as ground shaking or mass movement could damage the pipelines or other facilities.”<sup>32</sup> And that

Geologic hazards such as seismicity, i.e., active faults, earthquakes/ground shaking, and soil liquefaction, slope instability (landslides), subsidence, flash floods, and debris flows could threaten the integrity of the pipeline facilities onshore and offshore....<sup>33</sup>

<sup>28</sup> 3-9 *et seq.*

<sup>29</sup> 3-10.

<sup>30</sup> 3-10 *et seq.*

<sup>31</sup> As detailed in my 91-page comment.

<sup>32</sup> ES-33.

<sup>33</sup> ES-33.

## P088-13 Continued

P088-13  
Continued

P088-14

### P088-14

Section 1.2.3 contains information about California's current intrastate and interstate natural gas supply. Domestic natural gas supplies are limited to the existing natural gas basins. Implementation of this Project would bring a new source of natural gas to the United States.

P088-15

As stated in Section 1.2.3, "[t]he California Legislature recognizes that the CEC is the State's principal energy policy and planning organization and the CEC is responsible for determining the energy needs of California." The EIS/EIR acknowledges the contribution of energy conservation and renewables to meet California's energy needs in Sections 3.3.1, 3.3.2, and 4.10.1.3. However, the 2005 California Energy Action Plan states explicitly that "California must also promote infrastructure enhancements, such as additional pipeline and storage capacity, and diversify supply sources to include liquefied natural gas (LNG)."

P088-16

### P088-15

Section 3.3.5 has been revised and contains additional information concerning the rationale why the Sempra Costa Azul project was not considered as an alternative.

P088-17

### P088-16

As discussed in Section 3.4.2 the CCC study identified Ventura Flats as one of the most appropriate sites for a floating facility. The proposed Project is located farther offshore and outside the Point Mugu Sea Range.

P088-18

### P088-17

Both NEPA and the CEQA require the consideration of alternatives to a proposed project. A lead agency's lack of jurisdiction over a potential alternative is one factor that it may consider in determining if a potential alternative is feasible, reasonable, and merits detailed study in an EIS/EIR. Whether a potential alternative is purely hypothetical or speculative, or whether the potential alternative can be accomplished in a successful manner in a reasonable period of time are additional factors the lead agency may consider in assessing the feasibility and reasonability of the potential alternative.

From a NEPA perspective, while a Federal agency must analyze "a range of reasonable alternatives" (as opposed to any and all possible alternatives), and may be required to analyze an

alternative that is outside the capability of an applicant and that is outside the jurisdiction of the agency, the threshold question in determining whether to analyze any alternative is whether that alternative would be a "reasonable" alternative. Reasonable alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a).

To provide for an effective "hard look" at the alternatives the agency must limit the range to those alternatives that will best serve the environmental review process, and not needlessly examine and discuss in depth remote or speculative alternatives that that discussion does not facilitate a better decision making process. As stated in 40 CFR 1502.14(a), the EIS should "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."

Section 15126.6(a) of the State CEQA Guidelines states, in part, "[t]he Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives." The California Supreme Court in the Citizens of Goleta Valley case recognized that while an agency's jurisdiction was only one factor to consider, "[t]he law does not require in-depth review of alternatives that cannot be realistically considered and successfully accomplished." In addition, the discussion in section 15364 in the State CEQA Guidelines states that "[t]he lack of legal powers of an agency to use in imposing an alternative or mitigation measure may be as great a limitation as any economic, environmental, social, or technological factor."

Chapter 3 discusses energy conservation, efficiency, and renewable sources of energy, and explains why these potential alternatives were not studied in detail in the EIS/EIR. The range of alternatives studied in detail is reasonable and conforms to NEPA and the CEQA requirements.

#### P088-18

Section 4.11 contains information on seismic and geologic hazards and mitigation that specifically addresses the potential damage to proposed pipelines from a direct rupture along fault lines. Appendices J1 through J4 contain additional evaluations of seismic hazards.

However, the unavoidable interaction of pipelines with *known active* quake faults is understated to a fault. The RDEIS/R tries to downplay the interactions in several ways, none of them convincing. First, it ambiguously and incorrectly states that “[s]everal active or potentially active faults are located within the Project area, but few are crossed by the proposed pipelines.”<sup>34</sup> It also states that “[t]he proposed Project pipeline routes would *likely* cross several buried faults both onshore and offshore in this seismically active area.”<sup>35</sup> However, as the recent USGS report indicates, the pipelines would definitely cross *at least three known active faults*, and more than half a dozen known active faults capable of producing a quake of damage-causing magnitude are present in the immediate vicinity. A glance at the USGS map found on p.47 of my 91-page comment shows that the offshore pipeline alone would actually cross *at least four* active faults.

So, are we to presume that BHPB intends to base its pipeline design criteria (not yet established) on only a subset of the known potential seismic hazards? The USGS estimate of quake potential in the immediate project area is something on the order of a 35% risk of a quake of magnitude 6.5 or greater within the project lifetime. Given BHPB’s idea of installing the pipelines directly on the seabed, this represents a significant risk of pipeline rupture (discussed below).

#### ***Unmitigable risks to pipelines***

Even if one were to accept BHPB’s estimates of fault/pipeline interactions, the RDEIS/R still admits that there would remain an *unmitigable* potential for turbidity flows to affect the pipelines.<sup>36</sup> And the RDEIS/R admits that “subsea pipelines could potentially be damaged due to fishing gear being hung up on the pipelines, or a seismic event such as a subsea landslide.”<sup>37</sup>

The RDEIS/R then suggests that pipelines could be designed to withstand severe seismic events,<sup>38</sup> but it does not say how. Apparently, it assumes that piping of sufficient strength to withstand a quake on land would function with comparable safety on the seabed, and that seabed emplacement would somehow be a panacea against any foreseeable seismic activity. It states, “the Applicant would install the offshore pipelines directly on the seabed surface to allow enhanced flexibility to help it withstand movement caused by fault rupture.”<sup>39</sup> This neglects the effects of extreme water pressure at depth (at 884 meters, pipes would be subject to water pressures of over 374,400 pounds (187.2 tons) per lineal foot of pipe). Such pressures would strongly constrain the flexibility of any known type of pipe; they would represent an additional stress on the piping; and they would also firmly couple the pipelines to the seabed, such that any shearing of the underlying terrain would be transferred to, and experienced by, the pipe.

Beyond the hollow claim that seabed emplacement is sufficient, no other mitigation measures are specified, except for the vague suggestion that pipelines could be designed so that their “overall

P088-19

P088-19

Many faults shown on geologic maps are not considered active but there is evidence to map them. Also, by convention if a fault is shown as a dashed line on a map, the location is inferred; there is no surface expression of the fault, and the existence and exact location of the fault are not confirmed. Section 4.11.1.2 contains revised text on faults and seismicity. Section 4.11.1.3 contains information on fault rupture. Impact GEO-3 in Section 4.11.4 contains information on potential impacts from damage to pipelines or other facilities that could occur due to direct rupture (ground offset) along fault lines.

P088-20

As stated in Section 4.11.1.10, “CSLC engineers and geologists reviewed the geological/seismic hazard reports and preliminary geotechnical studies prepared by the Applicant for the Project and found them to be adequate for the purposes of the environmental review. Further geotechnical studies would be needed, however, for the final design stage after the conclusion of the environmental review. Similarly, MARAD has sufficient information for the purposes of this review.”

P088-21

As stated in MM GEO-3c in Section 4.11.4, “[t]he Applicant, as a condition of any lease, shall complete final site-specific geotechnical and seismic hazard studies, to be approved by the CSLC and USCG or MARAD, as appropriate, prior to final pipeline design and construction. The studies shall cover suspected active fault crossings to accurately define the fault plane location, orientation, and direction of anticipated offset, and shall include the magnitude of the anticipated offset at the fault locations; this information shall be used to enhance fault crossing design parameters.”

As stated in Impact GEO-3 in Section 4.11.4, the “offshore gas pipelines...would be designed to accommodate, based on the then most current information, anticipated maximum lateral/vertical motion from earthquakes (permanent deformation of seafloor) during the final design stage.”

P088-20

Section 4.11.1.5 and Impact GEO-5 in Section 4.11.4 contain information on the potential for damage to pipelines and other facilities and mitigation measures to address potential impacts that could occur due to mass movement of soil that is of a transitory and sporadic nature. As stated, “[m]ass movement includes landslides, liquefaction, subsidence, sand migration, and turbidity currents. The ground shaking from an earthquake could cause loose sediments found on slopes to move.” The proposed offshore route avoids

<sup>34</sup> ES-33.

<sup>35</sup> ES-33. (Emphasis added.)

<sup>36</sup> ES-2.

<sup>37</sup> ES-21.

<sup>38</sup> ES-21.

<sup>39</sup> ES-34.

active offshore canyons, reducing but not eliminating the potential for slides and turbidity currents. The analysis acknowledges that the "sediment and current may exert substantial forces on a subsea structure."

P088-21

Section 2.1 contains information on design criteria and specifications, final design requirements, and regulations governing the construction of the FSRU. The Cabrillo Port must be designed in accordance with applicable standards, and the U.S. Coast Guard has final approval. As stated, "[n]one of the three lead agencies require DWP applicants to provide final detailed designs as part of their application. If an application is approved and MARAD issues a DWP license or a license with conditions, the DWP licensee is required to submit all plans of the offshore components comprising the DWP to the USCG for approval. If the CSLC approves the lease application, the conditions of the lease would include specific requirements for submittal of detailed design criteria and final detailed designs by the Applicant for review and approval by State agencies. Federal and State approval of final detailed design is required before construction can begin." The Applicant has incorporated AM GEO-3a and AM GEO-3b into the Project; MM GEO-3c, MM GEO-3d, MM GEO-4a, and MM GEO-5a are mitigation measures that address these potential impacts.



integrity” would be “increased.”<sup>40</sup> The problem here is that the more reinforcement added to the pipeline (harnesses, cuffs, etc.), the more firmly and rigidly the pipe would be coupled to the seabed. So the notion of mitigating seismic risks remains entirely implausible. (Not to mention that it represents yet another example of unfinished design).

## PUBLIC SAFETY

Notwithstanding a certain degree of hysteria among public statements about explosions, it appears that the blast potential remains significantly understated. First, the assumption, based on the Sandia Report, that a three-tank simultaneous release is “not credible” is itself not credible. A release which would cause any sort of uncontrolled fire or explosion of one tank could plausibly affect all three tanks. Second, because an LNG tanker would more likely than not be present alongside the FSRU at any given moment, the actual amount of the greatest potential release would be roughly double the stated amount.

One consequence is that the potential impact on the shipping lanes would be substantially greater than represented in the RDEIS/R. It assumes that ships would have 30 minutes to respond,<sup>41</sup> but this assumes too much about current wind conditions, the continued functioning of communications equipment, and the actual positions of the FSRU and any tankers in the vicinity. Thirty minutes could also be “shorter” than it might seem, in terms of human response factors. Consider the confusion among government and military entities during the World Trade Tower attacks, and the resultant waste of response time.

Another unexamined potential is that a sizeable blast could disable support vessels in the vicinity, as well as a tanker alongside. This presents the possibility that either or both the FSRU and tanker – either still containing LNG – could drift to shore. The consequence of such an unlikely event would then become quite likely – that an LNG-laden vessel striking the shore could both leak LNG and come into contact with an ignition source (which could be a spark generated by the crash itself).

## NAVIGATIONAL HAZARDS

The RDEIS/R admits that project construction would impact vessel traffic:

Marine activities associated with site preparation and installation of the FSRU, subsea pipelines, and shore crossing may increase maritime traffic and interfere with operations at the Point Mugu Sea Range.<sup>42</sup>

<sup>40</sup> *Id.* Also, “The pipelines and aboveground facilities would be designed and constructed in accordance with Federal and State standards and guidelines to reduce the potential impacts on pipeline integrity from these hazards.” ES-34.

<sup>41</sup> ES-17.

<sup>42</sup> ES-28

## P088-21 Continued

P088-21  
Continued

### P088-22

NEPA does not require “worst-case analysis” but does require the agency to prepare a summary of existing relevant and credible scientific evidence and an evaluation of adverse impacts based on generally accepted scientific approaches or research methods. However, the Independent Risk Assessment (IRA) (Appendix C1) defines and evaluates representative worst credible cases (scenarios of events that would lead to the most serious potential impacts on public safety). These included accidents that would affect one, two, or all three tanks of the FSRU.

P088-22

As shown in Tables 4.2-1, 4.2-2, 4.2-7, and 4.2-8, the release of the contents of all three tanks (the entire contents of the FSRU and an attending LNG carrier) is addressed in the escalation scenario associated with a large intentional event. Section 4.2.7.6 contains additional information on how intentional events are addressed. Although the 2006 U.S. Department of Energy’s Sandia National Laboratories third-party technical review of the 2004 IRA found that the three-tank simultaneous release (a massive LNG release in a short time period) was not credible, Sandia recommended the consideration of a cascading (escalation) three-tank scenario.

P088-23

### P088-23

As summarized in Section 4.2.1 and discussed in Section 4.2.7.5 under “Vapor Cloud (Flash) Fire,” a flash fire resulting from vapor cloud dispersion could affect the shipping lanes; however, an ignition source would most likely be present, which would result in a pool fire instead of a vapor cloud fire. Pool fire hazards are not predicted to reach the shipping lanes.

P088-24

### P088-24

In the unlikely event that a blast would cause the FSRU and/or a moored LNG carrier to become unmoored, the USCG Captain of the Port would be responsible for determining the appropriate response. If the FSRU were to become unmoored, as discussed in Section 4.3, the patrolling tugboats would be used to hold it in place. “Disabled Vessels and Anchorage” in Section 4.3.1.4 contains information on this potential situation and the actions that would be taken.

P088-25

### P088-25

Section 4.3 contains information on marine traffic. Specifically, marine traffic mitigation measures include dissemination of information to Project crew, commercial vessels operators, and

local boaters (MM MT-1c, MM MT-1d, MM MT-1g, AM MT-3e, MM MT-3g, MM MT-5b), but they also include proactive measures to reduce the potential for vessel collisions. These include components of the Project such as AM MT-1a, AM MT-1b, MM MT-1e, MM MT-1f, AM MT-2a, AM MT-2b, AM MT-2c, MM MT-2d, AM MT-3a, AM MT-3b, AM MT-3c, AM MT-3d, MM MT-3f, MM MT-5a, MM MT-5c, MM MT-5d, MM MT-6a, and MM MT-6b.

The proposed mitigation measures (notices to mariners, daily briefings, etc.) all involve disseminating information about the hazards. But it cannot be assumed that all such impacts would be mitigated simply by advertising their possibility. Communications systems fail, humans panic or become confused, etc. In view of the FSRU's close proximity to the shipping lanes and the substantial increase in vessel traffic that would occur in the area, there would be no margin for such information-based mitigation measures to be less than 100 percent effective – which of course they could never be. Accidents will happen. The only questions would be how often and with what severity.

Also, it is not clear to me how BHPB has suddenly been able to reduce the number of projected weekly and annual vessel trips between shore and the FSRU by *half*.<sup>43</sup> This seems suspect on its face, and deserving of further assessment.

## OCEANOGRAPHY

### *Assumptions about wave height are misleading*

The rationale for choosing the particular site based on reduced wave heights, in comparison to other locations on the Southern California coast, is unpersuasive, and apparently the FSRU has not been designed to withstand foreseeably high seas. The RDEIS/R states deceptively,

The Cabrillo Port area is sheltered from waves from the northwest by Point Conception and the Channel Islands. In addition, the area is partially sheltered from some south swell directions by the Santa Catalina, San Clemente, and Santa Barbara Islands.<sup>44</sup>

First, the actualities: the shelter claimed here is marginal, and based on *average* conditions. The project area remains susceptible to seas as high as any ever found along the Southern California coast, if perhaps not as frequently as in some locations. This means several things:

- Wave height does not provide a reasonable basis to distinguish the chosen site from countless alternative sites along the coast.
- To the extent that wave heights may be marginally lower on average at the site, this suggests the possibility that the FSRU has been designed to withstand less than reasonably foreseeable wave heights.<sup>45</sup>

In addition, the RDEIS/R fairly admits to the possibility of rogue waves of excessive heights, in observing that “the directional wave spectra (distribution of wave energy with wave direction) at the site is much more complex than that in the open ocean.”<sup>46</sup>

<sup>43</sup> ES-28.

<sup>44</sup> ES-14.

<sup>45</sup> Detailed discussion of this appears in my 91-page comment.

<sup>46</sup> ES-15.

## P088-25 Continued

P088-25  
Continued

### P088-26

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. The Applicant has reduced the number of LNG carriers that would call on the FSRU annually from a maximum of 130 to a maximum of 99. As a result, the number of LNG carriers docking at the FSRU weekly would be reduced from an average of two to three per week to one to two per week. Since a crew vessel would meet each LNG carrier, the number of crew vessel trips to and from Port Hueneme would also change. See Section 4.3 for more information on this topic.

P088-26

### P088-27

As addressed in Sections 3.3.6 and 3.3.7, wave height and the degree of sheltering (maritime conditions) were considered in the evaluation of alternative locations. Sections 4.1.8, 4.1.8.2, 4.1.8.3, and 4.1.8.4 contain information on Project operations and extreme wave conditions.

P088-27

Moreover, the RDEIS/R neglects to consider the implications, *vis á vis* wave height, of the fact that anywhere the FSRU could be built would entail a transoceanic voyage to the project site. Thus, the FSRU would have to be able to withstand the highest wave heights typical on the Pacific high seas (no matter where it were built), and also the Atlantic (if built in Norway). Note that it would be too wide to fit through the Panama Canal, so if coming from Norway it would have to pass through the Southern Ocean, where sea heights are typically higher than elsewhere.

## ENVIRONMENTAL IMPACTS

### *Unmitigable impacts to marine mammals*

The RDEIS/R states:

Potential impacts to marine mammals include noise impacts, collisions with the pipelaying vessel or support vessels during installation of the subsea pipeline, and entanglement with cables associated with anchoring the FSRU and with pipe-laying activities. Additionally, noise associated with construction activities could potentially result in area avoidance or other migration, feeding, or behavioral changes.<sup>47</sup>

There is no evidence to suggest that the mitigation measures proposed to “minimize” such impacts would do so adequately.

### *Noise impacts on marine mammals*

For instance, the RDEIS/R neglects to consider recent research that links marine mammal groundings with noise-avoidance behavior.<sup>48</sup> A thorough evaluation based on this area of research is necessary to assess potential impacts on cetaceans. Further, the RDEIS/R acknowledges that NMFS is expected to release, several months from now, proposed changes to guidelines and criteria for evaluating when a “taking” of marine mammals can be attributable to exposure to noise.<sup>49</sup> Without the results of this major study, noise-impact analyses necessarily remain incomplete.

Moreover, the RDEIS/R’s analysis of noise impacts on marine mammals (and marine biota, generally) rests on the notion that, simply put, there’s a lot of noise in the ocean already. While true at some level, this position neglects the potential for cumulative impacts. And, because the

P088-28

P088-28

Oil and gas exploration structures of similar size to the FSRU are constructed worldwide and towed regularly hundreds and often thousands of miles. There are well-established procedures for this process.

P088-29

P088-29

Mitigation is based on experts within the relevant issue area, experience with relevant projects, available scientific and technical information and recommendation of appropriate public agencies. The effectiveness of mitigation measures for reducing impacts in the context of the proposed Project would be verified by monitoring. Marine mammal monitoring plans (AM BioMar-9b and MM BioMar-5b) are discussed in Section 4.7.4 under Impacts BioMar-5 and BioMar-9.

P088-30

P088-30

Impact BioMar-5 in Section 4.7.4 contains updated information on potential noise impacts on the marine environment and mitigation measures to address such impacts.

<sup>47</sup> ES-29.

<sup>48</sup> Nature (vol 425, p 575). See also *Military sonar may give whales the bends*, New Scientist 18:21 October 8, 2003; avail. at <http://www.newscientist.com/article.ns?id=dn4254>

<sup>49</sup> The RDEIS/R states (at 4.7-58,9): “The NMFS has been using generic sound exposure thresholds since 1997 to determine when an activity in the marine environment that produces sound might impact marine mammals such that a “take” might occur. Currently, NMFS is developing new science-based thresholds with guidelines based on exposure characteristics that are derived from empirical data and are tailored to specific species groups and sound types to improve and replace the current criterion (Federal Register 2005). NMFS is in the process of preparing the required NEPA document that will address the proposed changes and any alternatives. The final decision documents are currently scheduled to be completed in the summer of 2006 (Lawson 2005). Until a final decision is made, NMFS will require that the current acoustic criterion be used for impacts analysis.”

noise analyses takes a broad focus on the Southern California Bight in general, it likely under-reports potential effects in the immediate project area. Notwithstanding the presence of the shipping lane – a constant throughout the entire length of the Bight – the project area can be expected to have generally less subsurface noise than other, more trafficked parts of the Bight.

#### ***Unmitigable impacts to benthic communities***

The RDEIS/R states:

Potential Project impacts on benthic communities include crushing or smothering of individuals during pipelaying activities. These benthic communities are expected to recolonize the Project area within one year of construction. Thus, no mitigation measures are identified.<sup>50</sup>

Such an impact may well be unmitigable. There is no evidence to support that recolonization would occur within a year. And even if it could occur, there is no evidence that an impact of that duration would not have permanent effects on the local ecology. By analogy, a forest that has been clear-cut will eventually grow back, but with proportionally different species composition, and at the potential expense of some species during the time-frame of recovery.

#### ***Unmitigable impacts to other species***

Birds and sea turtles are also specified as being subject to significant impacts, but again, the proposed mitigation measures are unsupported by convincing evidence of likely effectiveness.

### **SOCIOECONOMIC IMPACTS**

The RDEIS/R still does not evaluate the economic impacts of diminished aesthetic quality of views (which it does admit would be an unmitigable impact). Real estate values of view properties, particularly in Western Malibu and Eastern Ventura County, could be expected to drop significantly. The question remains: how much? Apparently, BHBP considers views to be an economic non-factor. Yet the quality of a pristine ocean view comprises a principal part of what makes a house in, say, Malibu cost \$5 million, whereas the same house situated just about anywhere else in the state might cost \$500,000. It is the pristine ocean view that people pay for. So how much would the perpetual presence of the FSRU decrease such values? No one has yet bothered to find out.

The RDEIS/R also notes that “trawl fishers may prefer to fish elsewhere to avoid the potential loss of gear.”<sup>51</sup> I don’t see any economic analyses of such potential losses.

<sup>50</sup> ES-28.

<sup>51</sup> ES-38.

### **P088-30 Continued**

P088-30  
Continued

#### **P088-31**

The recovery times for different substrata are contained in cited references, and are sufficiently rapid to insure that the local ecology would not be affected permanently. Section 4.7.4 has been updated with the most recent available information on marine biological resources.

P088-31

See response to Comment P088-29 regarding effectiveness of mitigation.

#### **P088-32**

Section 4.16.1.2 contains information on property values. Section 4.4 and Appendix F contain information on visual resources, impacts, and mitigation. Appendix F describes how visibility from various distances was evaluated and provides additional simulations prepared for viewpoints at elevated sites along the Malibu coastline and inland areas.

According to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), economic or social effects are to be considered when there is a linkage to a physical effect. Under NEPA, analysis should be restricted to those social or economic factors that are interrelated to the natural or physical environment and may be affected by the range of alternatives considered. In addition, section 15131 of the State CEQA Guidelines states that "economic or social information may be presented in an EIR in whatever form the agency desires." Section 4.16 of the EIS/EIR is written in accordance with both NEPA and the CEQA requirements and guidance.

P088-32

The Council on Environmental Quality's NEPA Regulations require Federal agencies to "identify environmental effects and values in adequate detail" (40 Code of Federal Regulations [CFR] 1501.2) in their analyses and define the term "effects" to include social and economic effects, among others (40 CFR 1508.8). The NEPA regulations define the human environment as the natural and physical environment and the relationship of people with that environment.

P088-33

Section 15131(a) of the State CEQA Guidelines states that "Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to

physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes."

P088-33

Impact Socio-1 in Section 4.16.4 contains information on this topic, including measures for arbitration if there is a complaint by a fisher related to impacts from the proposed Project.

See the response to Comment P088-32.

## AIR QUALITY IMPACTS

It is my understanding that the Environmental Defense Center and others are focusing on air quality issues. Due to time constraints, I leave this area to them. I will simply observe that, were the project to be approved, this is one area that would be rife with potential legal challenges.

## CUMULATIVE IMPACTS

The RDEIS/R interprets CEQA as requiring assessment of, *inter alia*, “reasonably foreseeable” impacts.<sup>52</sup> I believe that CEQA specifies “potential” as the correct standard to apply with respect to future impacts. I don’t have time to check this now, but if I am correct, this would mean that the entirety of the RDEIS/R’s evaluation of cumulative and future impacts is significantly understated, or incomplete at best.

I find no specific assessment of how the project’s environmental and socioeconomic impacts would interact with those of existing industries in the region (other than the other hypothetical LNG terminal facilities). Curiously, the only mention of a combined-industry cumulative impact is the admission that “[t]he Project would generate emissions of greenhouse gases that would be insignificant alone, but could exacerbate, in combination of existing greenhouse gases, global warming effects.”<sup>53</sup>

Cumulative impacts must be considered in terms of their interactions with *all* of the existing impacts in the region. As any biologist knows, complex ecosystems (as well as societal systems) are subject to threshold effects, whereby at some point a slight change in an input or output variable can trigger disproportionate systemic changes. Because such analyses have not been made, we can’t know whether the project might represent “the straw that broke the camel’s back” in one regard or another.

The RDEIS/R is incorrect in asserting that “[t]he potential for cumulative public safety impacts from simultaneous incidents involving both Cabrillo Port and Clearwater Port would be limited to intentional acts.”<sup>54</sup> On the contrary, an earthquake or storm strong enough to affect one facility would very likely be strong enough to affect the other.

### P088-34

The cumulative impacts analysis has been conducted to account for those projects that are reasonable and foreseeable, in accordance with NEPA and the State CEQA Guidelines. See 40 CFR 1508.7 and section 15130 of the State CEQA Guidelines, with which the document complies. Existing facilities, whose related environmental impacts have already occurred and are thus reflected in baseline conditions described throughout the document, are not contemplated in the requirements of this section.

### P088-35

Section 4.20.4 has been revised per the comment.

P088-34

P088-35

<sup>52</sup> ES-41.

<sup>53</sup> ES-42.

<sup>54</sup> ES-42.

## MISCELLANEOUS QUESTIONS

Following are some questions which I have not had time to fully investigate.

• **Portions of the project would impact state-designated Environmentally Sensitive Habitat Area (ESHA) in the Coastal Zone. Has BHPB proposed to mitigate these impacts by restoration of alternate sites and/or monetary payments to a mitigation fund?** If the answer is yes, then that would be clearly impermissible. Case law dictates that any such off-site mitigation requires, at minimum, a specific showing of project need (which BHPB has not done conclusively):

The Coastal Act does not permit destruction of an environmentally sensitive habitat area (ESHA) simply because the destruction is mitigated offsite. At the very least, there must be some showing the destruction is needed to serve some other environmental or economic interest recognized by the act.... Such a system of isolation and transfer based on economic convenience would of course be completely contrary to the goal of the Coastal Act, which is to protect all coastal zone resources and provide heightened protection to ESHA's.<sup>55</sup>

The case law further clarifies:

The language of section 30240 does not permit a process by which the habitat values of an ESHA can be isolated and then recreated in another location. Rather, a literal reading of the statute protects *the area* of an ESHA from uses which threaten the habitat values which exist in the ESHA.<sup>56</sup> (Emphasis in original.)

• **Are BHPB's inconsistent interpretations of jurisdiction a violation of any law?** BHPB treats the project as being variously in or out of range of the Channel Islands, as suits its own purposes. For instance, with respect to air quality standards, the RDEIS/R states:

the U.S. Environmental Protection Agency determined that it would most appropriate to have the FSRU regulated and permitted in the same manner as sources located on the Channel Islands (as opposed sources located in mainland Ventura County).<sup>57</sup>

Yet elsewhere it maintains that the project would have little or no impact on the Channel Islands, and it specifically asserts that the project would not conflict with the planned expansion of CINMS.<sup>58</sup> By this, one might be encouraged to think that the project's air and water emissions would go nowhere. So does such prejudicial application of jurisdictional principles violate any law?

<sup>55</sup> *Bolsa Chica Land Trust v. Superior Court (California Coastal Com.)* (1999) 71 Cal.App.4th 493 , 83 Cal.Rptr.2d 850 [No. D029461, Fourth Dist., Div. One, Apr 16, 1999.]

<sup>56</sup> *Id.*

<sup>57</sup> ES-28.

<sup>58</sup> ES-36.

### P088-36

Project impacts on coastal ecosystems would be limited to the pipeline corridor during construction and operation (see Section 2.1). The shore crossing required for the proposed Project would be installed beneath Ormond Beach. With the proposed mitigation, the potential impacts of construction, operation, or an accident on terrestrial biological resources would be reduced to a level that is below the significance criteria.

P088-36

### P088-37

The Project is analyzed in the EIS/EIR by the lead and cooperating agencies, not by the Applicant. Impacts are analyzed against significance criteria that have been developed for each resource area.

P088-37



• **In granting several time extensions to BHPB in its application process, has USCG exceeded its legal discretion?** The statutory one-year time-period must have been specified for some legitimate purpose. Granted, the statute does provide some leeway for time-extension. But have those conditions been met? It seems that BHPB has been granted more than ample time to make its application, yet the application remains incomplete with respect to substance (e.g., design criteria, geological surveys, mitigation plans, etc.). If the application is now deemed still incomplete by agency reviewers, surely the discretion to continue extending the application time-frame has been exhausted.

## CONCLUSIONS

Due to the multiplicity of “Class 1” impacts, approval of the project would be subject to a Statement of Overriding Considerations under CEQA, as is conceded by the Applicant.<sup>59</sup> This statement cannot be issued for the project because the RDEIS/R has not made a real case for Project Need, nor has it adequately identified Alternatives to the project (as opposed to alternative projects). The range of real unmitigable impacts specified in the RDEIS/R<sup>60</sup> substantially outweigh any hypothetical benefits to the people of California.

Furthermore, in many cases, the RDEIS/R does not provide complete and adequate analyses upon which to base impact assessments. A project of this scope, complexity and potential impact is fundamentally unsuited to the existing environmental and socioeconomic conditions. The No Action alternative is the only viable one on the table.

P088-38

P088-38

After publication of the October 2004 Draft EIS/EIR, the lead agencies identified deficiencies in the Project information that the Applicant provided. In order to include additional information addressing these deficiencies, the processing of the license application was extended. A January 5, 2005, letter from the USCG states, "...because of the limited time available to prepare the Final EIS/EIR, we must stop the clock in order to allow adequate time to obtain information from BHP...Accordingly, as allowed in 33 C.F.R. [section] 148.107, we have determined that in order to complete the EIS/EIR within the statutory timeframe required by the Deepwater Port Act, we must suspend processing of the license application until required information is received, analyzed, and incorporated into the Final EIS/EIR. The period of suspension shall not be counted in determining the date prescribed by the time limit set forth in 33 USC sections 1503(c)(6), 1504(e)(2), 1504(g), 1504(i)(1) and 1508(b)(1) of the Deepwater Port Act."

P088-39

P088-39

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

<sup>59</sup> ES-43.

<sup>60</sup> ES-43.

**From:** Lynne Holley [doggiemommie@aaahawk.com]  
**Sent:** Saturday, May 06, 2006 12:37 PM  
**To:** BHPRevisedDEIR@slc.ca.gov  
**Subject:** NO to the LNG Terminal

**NO** to BHP Billiton's polluting and unnecessary LNG terminal.

V044-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

| V044-1

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,

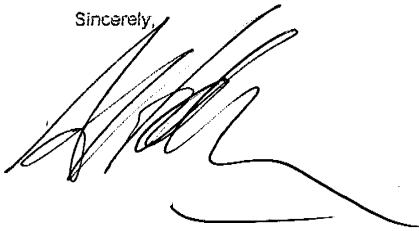
Please stop Cabrillo port LNG industrial plant from progressing any further in the permit process. California law prohibits industrial intrusion on highly scenic areas. The last remaining wild areas on the Southern California Coast will be permanently despoiled if this industrial plant is installed. In fact over 10 national parks, national recreation areas, state, city and county parks will be despoiled. This would forever impact the quality of life of the areas residents and negatively impact the millions of visitors who come to hike and enjoy the seashore. In addition, federal and state governments own studies show that this project would:

- result in both short term and long term adverse impacts to the coast and it's residents.
- Increase smog levels (tons of pollutants spewing directly upwind from our houses, beaches and hiking trails.
- contain 14 story high pollution spewing industrial towers with lines of support ships which forever will be our new horizon. This towers will be brightly lit at night being a 24 hour eye sore.
- harbor the possibility of a 14 mile wide explosive flash fire due to an accident of terrorist attack.
- be visible from all elevations in malibu from downtown Malibu all the way to Port Hueneme.
- require a "security zone" of 2.3 miles around it. (to protect from terrorism, accidents etc) which is in the same shipping channel where 10,000. container ships and oil tankers use annually.

There are many more negative impacts than the above "official" ones disclosed by the federal and state study.

PLEASE do not allow this to go forward. We, the citizens of Southern California will fight this project until it is derailed. Our money and time can be spent on projects that truly will improve the quality of life in Southern California rather than just provide an opportunity for foreign Companies to sell us gas that they and we do not need.

Sincerely,



A. HOLTZ  
17424 CAMINO DEL MAR  
PACIFIC PALISADES CA  
90272

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
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100 Howe Avenue  
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There are many more negative impacts than the above "official" ones disclosed by the federal and state study.

PLEASE do not allow this to go forward. We, the citizens of Southern California will fight this project until it is derailed. Our money and time can be spent on projects that truly will improve the quality of life in Southern California rather than just provide an opportunity for foreign Companies to sell us gas that they and we do not need.

Sincerely,

J. Wood  
3817 N. POPPSEED PL. #E  
CALABASAS, CA. 91302

May 11, 2006

P411

2006/P411

Dwight E. Sanders  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825  
State Clearinghouse Number 2004021107

Dear Mr. Sanders,

This concerns the Revised Draft EIR for the Cabrillo Port Liquified Natural Gas Deepwater Port. I refer to Sections 3.3, 3.3.1 and 3.3.2, which deal with the Energy Action Plan II, prepared by the California Energy Commission and California Public Utilities Commission. To be as brief as possible, the conclusions supporting the necessity for Cabrillo Port, with its heavy infrastructure commitments and serious accidental or terrorist risks, were arrived at without the public, under-oath evidentiary hearings which are supposed to be held by the CPUC. (I'm not qualified to deal with the hard legal issues.) Before Cabrillo Port is approved, these evidentiary, open hearings must be held to once and for all determine the necessity, or lack thereof, for importing liquified natural gas. The public, especially that in the Oxnard area, is owed these open hearings.

Sections 3.3.1 and 3.3.2 have no mention of any runup to the publication of the Energy Action Plan II. Who was consulted, if anybody? Obviously not the Sierra Club, for example.

Sincerely,

*Jerome S. Hopkins*  
Jerome S. Hopkins  
2920 Peninsula Rd, Apt 668  
Oxnard, CA 93035  
Phone 1-805-985-3687

P411-1

P411-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Sections 1.2.3, 3.3.1, and 4.10.1.3 discuss the California Energy Commission and the findings of the Energy Action Plan II as it relates to the proposed Project. The Plan itself should be consulted regarding its findings, procedures, and sources.

Section 1.2.1 contains information on the USCG and State formal hearings.

Following publication of this Final EIS/EIR, MARAD, the USCG, and the CSLC will serve public notice and hold final hearings. MARAD and the USCG will hold at least one final DWPA license hearing in accordance with 33 CFR 148.222. After the final license hearing is concluded by MARAD and the USCG, the Commandant (CG-3PSO), in coordination with the Administrator of MARAD, will consider any requests for a formal hearing as specified in 33 CFR 148.228. The CSLC will hold a hearing to certify the EIR and make the decision whether to grant a lease.

As discussed in Section 1.2.1, the California Energy Commission (CEC) and California Public Utilities Commission (CPUC) must "carry out their respective energy-related duties based upon information and analyses contained in a biennial integrated energy policy report adopted by the CEC." Section 1.2.1 also describes the public process that is used to develop the Integrated Energy Policy Reports to ensure that California's energy-related interests and needs are met.

Section 1.5 contains information on opportunities for public comment. After the MARAD final license hearing, the public will have 45 days to comment on the Final EIS/EIR and the license application. The Federal and State agencies will have an additional 45 days to provide comments to the MARAD Administrator. The Administrator must issue the Record of Decision within 90 days after the final license hearing. The CSLC will hold one or more hearings to certify the EIR and make the decision whether to grant a lease. The California Coastal Commission will also hold a hearing. Comments received will be evaluated before any final decision is made regarding the proposed Project.

Section 4.2 and Appendix C contain information on public safety. Section 4.10.1.3 contains additional information on the California Energy Action Plan.

From: yhrovat@bren.ucsb.edu  
 Sent: Thursday, May 11, 2006 5:08 PM  
 To: BHPRevisedDEIR@slc.ca.gov  
 Subject: Comments on: State Clearinghouse No. 2004021107

To Whom it May Concern:

Please accept the following comments on the Revised Draft Environmental Impact Report (DEIR) for the Cabrillo Port Liquefied Natural Gas Deepwater Port:

1) Although the Revised Draft EIR does mention greenhouse gas emission quantities, it does not mention how they will be mitigated. LNG is a fossil fuel and significant contributor to global climate change. The project will result in a large addition of greenhouse gases, thus cleaner technologies and renewable energy sources should at least be considered.

2) The Revised Draft EIR does not fully consider environmentally preferred alternatives such as renewable energy sources, even though these measures can provide more than three times as much energy as the proposed LNG project. A complete analysis of at least one environmentally sound alternative should be included in chapter 4.

3) The Revised DEIR fails to disclose all of the impacts from the intake of seawater and discharge of hot water into the marine environment, and does not discuss mitigation measures for these impacts.

4) The Revised Draft EIR does not point out that humpback whales migrate near the LNG terminal. These whales, and other important marine wildlife, will be negatively impacted by noise and discharges from the project.

5) The Revised Draft EIR does not consider all species likely to be impacted in the area. The DEIR should include a comprehensive list of species found in the area, such as that provided for the Channel Islands National Marine Sanctuary in their Environmental Document. See website:  
[http://www.dfg.ca.gov/MRD/ci\\_ceqa/index.html](http://www.dfg.ca.gov/MRD/ci_ceqa/index.html)

Additionally, the DEIR should consider and discuss all mitigation measures for LNG and oil spill impacts to marine life. The DEIR does mention that this could occur and could potentially result in "widespread impacts possibly affecting significant numbers of marine life" (DEIR, 2006). Although the impacts are addressed, direct mitigation and remediation measures, in the event of a spill are not clear from the DEIR in Table 4.7-14 and from Chapter 6.

6) The Revised DEIR fails to adequately acknowledge the visual impacts of the project, to residents along the coast as well as boaters near the project. This project will be the largest industrial operation offshore, dwarfing the offshore oil platforms. Although visual impact is listed as a CEQA Class 1 Impact in Chapter 5 (Impact AES-3) of the DEIR, it is acknowledged that mitigation is not possible. Thus, the project will pose a large visual impact that could result in a good deal of contention from local residents.

Thank you,

#### P066-1

Sections 4.6.1.4 and 4.6.2 contain information on Project emissions of greenhouse gases and recent California legislation regarding emissions of greenhouse gases.

Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

P066-1

#### P066-2

Both NEPA and the CEQA require the consideration of alternatives to a proposed project. A lead agency's lack of jurisdiction over a potential alternative is one factor that it may consider in determining if a potential alternative is feasible, reasonable, and merits detailed study in an EIS/EIR. Whether a potential alternative is purely hypothetical or speculative, or whether the potential alternative can be accomplished in a successful manner in a reasonable period of time are additional factors the lead agency may consider in assessing the feasibility and reasonability of the potential alternative.

P066-2

P066-3

P066-4

P066-5

P066-6

From a NEPA perspective, while a Federal agency must analyze "a range of reasonable alternatives" (as opposed to any and all possible alternatives), and may be required to analyze an alternative that is outside the capability of an applicant and that is outside the jurisdiction of the agency, the threshold question in determining whether to analyze any alternative is whether that alternative would be a "reasonable" alternative. Reasonable alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a).

P066-7

P066-8

To provide for an effective "hard look" at the alternatives the agency must limit the range to those alternatives that will best serve the environmental review process, and not needlessly examine and discuss in depth remote or speculative alternatives that that discussion does not facilitate a better decision making process. As stated in 40 CFR 1502.14(a), the EIS should "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."

Section 15126.6(a) of the State CEQA Guidelines states, in part, "[t]he Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its

reasoning for selecting those alternatives." The California Supreme Court in the Citizens of Goleta Valley case recognized that while an agency's jurisdiction was only one factor to consider, "[t]he law does not require in-depth review of alternatives that cannot be realistically considered and successfully accomplished." In addition, the discussion in section 15364 in the State CEQA Guidelines states that "[t]he lack of legal powers of an agency to use in imposing an alternative or mitigation measure may be as great a limitation as any economic, environmental, social, or technological factor."

Chapter 3 discusses energy conservation, efficiency, and renewable sources of energy, and explains why these potential alternatives were not studied in detail in the EIS/EIR. The range of alternatives studied in detail is reasonable and conforms to NEPA and the CEQA requirements.

NEPA does not require the lead agency to identify a preferred (or "green") alternative within the EIS.

#### P066-3

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. The previously proposed FSRU generator engine cooling system used seawater as the source of cooling water for the four generator engines. The Applicant now proposes using a closed tempered loop cooling system that circulates water from two of the eight submerged combustion vaporizers (SCVs) through the engine room and back to the SCVs, which reduces the seawater intake volume by about 60 percent. The seawater cooling system would remain in place to serve as a backup system during maintenance of the SCVs or when the inert gas generator is operating. Section 2.2.2.4 contains a description of the proposed uptakes and water uses for the FSRU.

Section 4.7.4 contains information on uptake volumes and potential impacts of seawater uptake and discharge on marine biota, including ichthyoplankton from intake of seawater and, from thermal discharges of cooling water. The ichthyoplankton impact analysis (Appendix H1) includes both literature results and data from California Cooperative Oceanic Fisheries Investigations (CalCOFI) surveys. CalCOFI surveys have been consistently collected over a period of time and are the best scientific data currently available.

#### P066-4

Section 4.7.1.5 contains information on humpback whales. Impact BioMar-5 in Section 4.7.4 contains an updated discussion of marine

mammal impacts from noise, including an analysis of the potential for Level A and B takes under the MMPA using the current guidelines. This analysis uses estimated background noise levels as a baseline, and thus takes into account the already heavily ensonified waters in the Southern California Bight. The discussion of cumulative noise impacts in Section 4.20.3.7 has been clarified to acknowledge potential overlap with Point Mugu activities under some operating scenarios.

#### P066-5

The list of marine species presented in Section 4.7 was developed in consultation with the relevant resource agencies (USFWS, NOAA, CDFG).

#### P066-6

Impact BioMar-6 in Section 4.7.4 discusses potential impacts on marine biota from oil and LNG spills, including measures already incorporated into the Project (AM PS-1a, AM PS-1b, AM PS-1c, AM PS-1d, AM MT-3a) and mitigation measures (MM PS-1e, MM PS-1f, MM PS-1g). In addition, Impact HAZ-2 in Section 4.12.4 discusses potential impacts resulting from an accidental spill of hazardous materials or oil, and mitigation measures that would reduce the impacts of the release of hazardous materials to below the level of significance criteria (MM HAZ-2a, MM HAZ-2b, and MM WAT-3a).

#### P066-7

Section 4.4 addresses the Project's visual impacts. Section 4.4.1.1 discusses the FSRU's position in relation to the coastline, which is offshore from the shipping lanes and farther offshore than the oil platforms. The general orientation of the FSRU due to prevailing wind and water currents would be roughly parallel to the coast, and this is the view used in simulations. Section 4.4.1.2 contains additional information on offshore views from the coastline. Section 4.4.4 provides visual simulations of both daytime views and one nighttime view, and Table 4.3-1 shows that many vessels of comparable size frequent the Project area. Impact AES-3 contains information on the potential visual impacts on recreational boaters. Additional simulations are included in Appendix F, which also describes the methodology used to assess visual impacts.

#### P066-8

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.



Sincerely,

Yvana Hrovat  
Master's Candidate, Class of 2006  
Donald Bren School of Environmental Science & Management University of California,  
Santa Barbara

----- End forwarded message -----

From: Doug Hubbard [dougspfx1@verizon.net]  
 Sent: Tuesday, April 18, 2006 3:55 PM  
 To: BHPRevisedDEIR@slc.ca.gov  
 Cc: letters@venturacountystar.com  
 Subject: Att. Dwight E. Sanders, revised DEIR

April 18, 2006

Dwight E. Sanders  
 California State Lands Commission  
 Division of Environmental Planning and Management 100 Howe Avenue, Suite 100-  
 South  
 Sacramento, CA 95825-8202

Re: BHP Billiton's proposed natural gas deep water port California State  
 Clearinghouse No. 2004021107 Docket No. USCG 2004-16877

Dear Mr. Sanders:

Passed off as insignificant in the revised DEIR of BHP Billiton's proposed "Cabrillo Port" is that their LNG facility will emit up to 270 tons of smog producing contaminants per year, according to the Environmental Defense Center's estimate. These pollutants will be blown ashore by the prevailing winds in both Ventura and Los Angeles counties. Nevertheless, the US EPA has exempted Cabrillo Port from any pollution standards.

The Los Angeles and Orange County's air basins are second only to New York's as the most smog polluted in our country. Any air pollutants which come into Ventura County, after affecting our air, will eventually drift into the Los Angeles air basin.

Regardless, the energy needed to re-gasify LNG is not addressed at all in the Revised DEIR. It takes energy-- lots of energy to turn liquid natural gas back to a useable gas. Up to 30 percent of the delivered LNG would be needed for that purpose. The burning of natural gas produces 117,000 pounds of carbon dioxide (CO2) per billion BTU's ( British thermal units) of consumed gas. As you know CO2 is a powerful greenhouse gas. NOAA, National Oceanic and Atmospheric Administration has just released their numbers for CO2 in our atmosphere. The current level is "381 parts per million" and rising "at an alarming rate." Last year, 2005, saw the largest rise in CO2 on record.

This must not be allowed to continue.

Although Governor Schwarzenegger has called for a reduction of greenhouse gas emissions by 25% by 2020, it is too little, too late. We need to start now. James Hansen, NASA's world leading scientist on global warming, warns that if the rising trend in greenhouse gases is not reversed in the next 10 years, we will reach a "tipping point," that is, a point of not being able to stop the global warming. Is it not obvious that we do not want to burn an additional 30% more natural gas than will actually be used in California--especially off our coast?

For the record, the fossil fuel emission levels of natural gas in pounds per billion BTU's of energy input can be researched at the following Source: EIA - Natural Gas Issues and Trends 1998 <http://www.naturalgas.org/environment/naturalgas.asp>

#### P008-1

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

Section 4.1.8 contains a detailed description of the marine climatic setting. Section 4.6.1.2 has been revised to provide an expanded discussion of the potential transport of offshore air pollutant emissions to onshore areas due to meteorological conditions. Section 4.6.4 contains revised analyses of the impacts on air quality from the emissions of criteria pollutants, ozone precursors, and toxic air pollutants from the FSRU and Project vessels.

P008-1

The air dispersion modeling analysis of the criteria air pollutant emissions from FSRU and Project vessel operational activities includes prediction of impacts at receptors located from the coastline to 2 miles inland spanning approximately 44 miles from Ventura to Malibu. Additional receptors were also placed along the coastline spanning approximately 38 miles from Malibu to the Palos Verdes Peninsula located directly south of Los Angeles.

P008-2

The USEPA has jurisdiction to administer air quality regulations and required air permits for applicable Project activities that occur outside of the boundaries of California counties, including operation of the FSRU. The SCAQMD has jurisdiction to administer air quality regulations and required air permits for applicable Project activities that occur within Los Angeles County, including construction of the Line 225 Loop pipeline. The SCAQMD also provided comments on the Revised Draft EIR that have been taken into consideration.

P008-3

#### P008-2

Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, requires Federal agencies to consider the potential environmental effects of major Federal actions that could significantly affect the global commons outside the jurisdiction of any nation. Executive Order 12114 is not applicable to the extraction and development of natural gas in foreign countries.

P008-4

An evaluation of the Project's environmental effects abroad must also be viewed within the context of section 15040 of the State CEQA Guidelines, which specifically defines and correspondingly limits the authority provided to State and local agencies under the CEQA.

The Applicant has stated that the source of the natural gas for this Project would be either Australia, Malaysia, or Indonesia. As these countries are sovereign nations, the Applicant would be required to comply with those countries' applicable environmental laws and regulations pertaining to the extraction and development of natural gas fields as well as those pertaining to the liquefaction and transfer of LNG to LNG carriers. Consideration of the Applicant's compliance with a foreign nation's applicable laws and regulations is beyond the scope of this EIS/EIR.

The Applicant has indicated that the Scarborough natural gas field in the state of Western Australia could be a potential source of natural gas for the Project. In May 2005, the Honourable Ian Macfarlane, the Australian Federal Minister for Industry, Tourism and Resources, stated, "Development of the Scarborough Field and related support facilities must be carried out in accordance with applicable laws and regulations of both the Australian Government (federal) and the State Government in Western Australia. Any activities will be subject to assessment and approvals under the applicable environmental legislative regimes. These include, among others, the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999, governing matters of national environmental significance, and, under State legislation, the Western Australian Environmental Protection Act 1986. The objectives of the Commonwealth's environmental regulatory regimes are to provide for the protection of the environment and ensure that any petroleum activity is carried out in a way that is consistent with the principles of ecologically sustainable development." (Appendix L contains a copy of this letter.)

Section 1.3 has been revised to include information on Indonesian and Malaysian environmental requirements that would regulate impacts related to producing and exporting natural gas. All three countries have existing LNG liquefaction facilities.

#### P008-3

Sections 4.6.1.4 and 4.6.2 contain information on Project emissions of greenhouse gases and recent California legislation regarding emissions of greenhouse gases.

#### P008-4

Thank you for the information. The references used in the Final EIS/EIR for this topic include:

California Energy Commission (CEC). 2006. Draft Staff Report. Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004. October.

Energy Information Administration (EIA), U.S. Department of Energy. 1994. Emissions of Greenhouse Gases in the United States, 1987-1992, Appendix A, DOE/EIA-0573. October. Accessed December 6, 2006.  
[http://www.eia.doe.gov/oiaf/1605/87-92rpt/appa.html#table\\_a3](http://www.eia.doe.gov/oiaf/1605/87-92rpt/appa.html#table_a3).

\_\_\_\_\_. 2001. Updated State-level Greenhouse Gas Emission Factors for Electricity Generation. March.

The federal government is trying to ram the Cabrillo Port facility down California's throat, with no concern for the consequences. Only the California State Lands Commission and/or the Governor can stop it.  
Please stop this environmentally unsound facility.

Sincerely,

Eugene D. Hubbard  
Marcia Cummings Hubbard (Founder, S.A.F.E.[ Safe Air For Everyone])  
2509 Grapevine Dr.  
Oxnard, CA 93036  
805-983-1591  
dougspx1@verizon.net

cc: Governor Schwarzenegger  
Ventura County Star

P008-5

P008-6

P008-5

Section 1.1 discusses regulations and agencies involved in the licensing and potential approval of the proposed Project. The USCG and MARAD will hold a final public hearing on the license with a 45-day comment period before the Federal Record of Decision is issued. The CSLC also will hold a hearing to certify the EIR and make the decision whether to grant a lease. Section 1.5 contains additional information regarding public notification and opportunities for public comment.

P008-6

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

April 17, 2006



Mr. Dwight Sanders  
 California State Lands Commission  
 Division of Environmental Planning and Management  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825-8202

**By Fax: 916-574-1885**  
**By Email: BHPRevisedDEIR@slc.ca.gov**

RE: Cabrillo Port LNG Terminal  
 State Clearinghouse No. **2004021107**

Dear Mr. Sanders:

The Valley Industry and Commerce Association – representing over 300 businesses and 250,000 employees throughout the San Fernando Valley – supports federal and state approvals for California LNG facilities, such as *Cabrillo Port*, in order to ensure a safe, reliable and long term supply of natural gas to meet the state's energy needs.

Now, the Revised Draft Environmental Impact Report for Cabrillo Port has been substantially re-written to be responsive to previous public commentary. This revised DEIR includes additional data and much new, additional information from numerous studies and recent surveys concerning biological resources, water resources, endangered species, oak trees, cultural resources, and other important issues. Importantly, this report explains why Cabrillo Port is an environmentally sound project and shows how the proposed facility will be operated safely.

This means that this important and needed natural gas supply project can be built, and the environment can be protected.

The DEIR also addresses the important public safety issue being raised with regard to LNG -- the impact of a catastrophic event. It concludes that if such an event were to occur, although unlikely, it would impact only a limited radius around the facility and thus would not imperil coastal residents or commerce.

This revised report leads us to believe that *Cabrillo Port* -- a floating, offshore LNG facility located over 14 miles away from the Ventura County coastline -- can protect public safety, minimize coastal, marine and other environmental concerns, and provide for reliable and high quality supplies of natural gas.

G214-1

Section 4.2 and Appendix C contain additional and revised information on public safety. Sections 1.2.2 and 1.2.3 contain information on natural gas needs in the U.S. and California.

G214-1

The environmental report confirms that the long distance, offshore location provides for the all-important protection of public safety. Its location outside of the shipping lanes ensures no interruption of shipping commerce. Its location away from both marine migratory patterns and marine habitat, as well as its separation from the Channel Island Marine Sanctuary, provide important marine environmental protections.

Clean-burning natural gas has always been an important part of California's energy mix to fuel industry and commerce, to generate electricity, and to heat homes and cook food. Today, increased use of natural gas -- particularly to generate clean and low cost electricity -- has become a major part of California's effort to improve air quality and protect our environment. And importantly, for business, natural gas has become the fuel of choice to meet increasingly strict air quality standards

California's increased demand for natural gas is also matched by the nation's increased demand for natural gas. While there is an abundant supply of natural gas to meet increased demand, most of it is located in other parts of the world. Over the next several years, the US and California will need new supplies of natural gas, and the delivery of LNG (liquefied natural gas) will become an important natural gas supply option.

We urge the Lands Commission to move forward BHP Billiton's proposed Cabrillo Port. We believe the revised DEIR appropriately considers environmental impacts, and that its conclusions should lead to adoption of a final EIR and the granting of land lease by the California State Lands Commission to operate an undersea pipeline to deliver needed, new natural gas supplies into the southern California natural gas pipeline system.

Sincerely,



Brendan Huffman  
President

## G214-1 Continued

G214-1  
Continued

## G214-2

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

G214-2

**To: California State Lands Commission**

**From: Community Environmental Council**

**Re: Comments on the Cabrillo Port LNG project Draft Environmental Impact Report**

**Date: May 12, 2006**

### **Introduction**

The Community Environmental Council (SBCEC) is a regional non-profit environmental organization, founded in 1970 after the infamous 1969 Santa Barbara oil spill. We recently embarked upon an ambitious campaign: "Fossil Free By 2033." With this program, we are helping our region become energy independent by 2033 by utilizing our regional renewable energy capacity and energy conservation to replace fossil fuel energy sources.

By providing a replicable model for other regions, we hope to substantially impact the problems stemming from our state's, and our nation's, unsustainable energy practices.

### **Summary**

Our organization is historically solutions-oriented and has not been active in attempting to block projects proposed by others in our region. Our primary campaign at this point – Fossil Free By '33 – is very solutions-oriented and we will in fact be supporting large-scale renewable energy projects to help us reach our regional goals.

Due to the ambitiousness, and seriousness, of our goals, however, we can't afford to ignore other developments in the energy field. We fear a continued focus on natural gas and LNG in California will seriously detract not only from our regional goals but also from the state's own ambitious renewable energy and energy efficiency goals. Accordingly, we have become involved in the LNG debate and feel strongly that California does not need any LNG terminals.

This conclusion follows from our analysis (see attached paper for the full analysis, referred to herein as the "LNG Report") of the existing mandates and goals already in place in California, and the state's preferred "loading order" for energy, which places energy efficiency, demand response, and renewable energy in the first, second and third places, respectively, in the loading order. Natural gas is number six.

We have calculated that under existing mandates and goals, plus realistic potential for renewables and energy efficiency, California will likely obtain 133 to 381% of projected natural gas demand, by 2016. Renewables and energy efficiency can substitute for natural gas demand because much of the growth in natural gas demand will come from electricity generation and other areas susceptible to substitution.

G012-1

Thank you for the information.

G012-2

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

G012-3

Thank you for the information on renewable energy resources and energy efficiency. The lead agencies are obligated to use energy forecasting information from the Federal Energy Information Administration (EIA) and the California Energy Commission (CEC).

G012-1

As discussed in Section 1.2.2, the Federal EIA provides policy-independent data, forecasts, and analyses to promote sound policy-making, efficient markets, and public understanding regarding energy and its interaction with the economy and the environment.

As discussed in Section 1.2.3, the CEC's 2005 Integrated Energy Policy Report Committee Final Report provides the energy context for California's natural gas needs as identified in this EIS/EIR. The California Legislature recognizes that the CEC is the State's principal energy policy and planning organization and that the CEC is responsible for determining the energy needs of California. These responsibilities are established in State law (the Warren-Alquist State Energy Resources Conservation and Development Act [Public Resources Code, Division 15]).

G012-2

G012-3



If the various state mandates and goals for renewables and energy efficiency are, for some reason not met on time, the state has access to many other sources of natural gas. Domestic natural gas production is projected to increase through 2016 and a number of LNG import terminals will likely be completed in that timeframe elsewhere in North America. In particular, three LNG terminals are approved in Baja California, one of which is being constructed currently, with a capacity of one billion cubic feet per day. Sempra, the company constructing the project, has requested an increase in capacity to 2.5 billion cubic feet per day. News reports state that about half of this amount is slated for California's markets. If 1.25 billion cubic feet per day is sold to California consumers, this alone is more than three times the projected additional California demand by 2016 (355 million cubic feet per day by 2016).

Accordingly, we argue that renewable energy and energy efficiency can meet projected demand. If for some reason, renewable energy and energy efficiency do not meet expectations, there is plenty of natural gas coming on line from other sources that may act as a backup for California's natural gas needs.

#### **Detailed Comments**

##### *DEIR Statement:*

The DEIR states at page 3-6:

"Even assuming increased conservation would occur, additional natural gas supplies would be required according to the [California Energy Commission] and the CPUC projections."

##### *SBCEC Rebuttal:*

As detailed in our LNG report, the CEC natural gas demand projections do not include many of the energy conservation goals, and/or potential. The CEC's projection does include the current 2006-2008 CPUC-funded energy efficiency program. However, the state's Energy Action Plan, and the CPUC, acting separately, have set goals for much more ambitious energy savings. The CPUC plans to save 26,508 gigawatt hours ("GWh") of electricity and 444 million therms of natural gas savings, both by 2013. For comparison, the current three year energy efficiency program, funded by the CPUC, is designed to save 7,371 GWh of electricity per year by 2008, and 122 million therms of natural gas each year by 2008. Subtracting the 2006-2008 goals from the 2013 goals, we find that 19,137 GWh of electricity and 322 million therms are not included in the CEC's natural gas demand projections. CEC staff will acknowledge what is, and what is not, included in their natural gas demand projections, if queried.<sup>1</sup>

G012-4

G012-4

Section 3.3.5 has been revised to include a discussion of the expansion of the Sempra Costa Azul project. This expansion is in the initial permitting stages. At this point, it is speculative to consider whether this expansion would be completed and, if completed, whether 1.25 billion cubic feet per day of natural gas would be available for California.

G012-5

As discussed in Sections 3.3.1 and 3.3.2, the CEC has concluded that additional natural gas is needed despite future increases in energy efficiency and renewable energy resources.

G012-5

As discussed in the previous comment, the expansion of the Sempra Costa Azul project is considered speculative at this point.

G012-6

See the response to Comment G012-3 regarding the reliance of the lead agencies on the EIA and the CEC.

G012-6

<sup>1</sup> I have had numerous conversations with Lynn Marshall and Angela Tanghetti, at the CEC, on this topic.

The energy savings not included in the current projections are equivalent to two thirds of CEC's projected additional natural gas demand by 2016, and about 42% of the BHP Billiton project's annual capacity.<sup>2</sup>

Additionally, the current CEC natural gas demand projection examines demand through 2016, and the current energy efficiency goals run through 2013, leaving an additional three years of potential savings unaccounted for in the current natural gas projections.

*DEIR Statement:*

The DEIR also states, at page 3-6:

"Energy conservation is, therefore, not a reasonable alternative to the Project and is not further evaluated as such in this report."

*SBCEC Rebuttal:*

As just discussed, energy conservation is in fact a reasonable alternative to the Project and should be further evaluated as such.

*DEIR Statement:*

The DEIR states, at page 3-6:

"Similar to energy conservation, renewable energy is not evaluated as an alternative to the proposed Project because such sources are already factored into California's energy supply and demand analysis, which conclude that additional supplies of natural gas are necessary, after full consideration of the projected contributions of renewable sources, to meet California's projected energy demands."

And on page 3-7:

"The CEC's projections of future energy demand incorporate the growing use of renewable sources and still conclude that the need for natural gas will increase."

And at the bottom of page 3-7:

"The CEC's projections of future natural gas supply needs for the State include the assumption that renewable energy projects will be implemented, yet still conclude that additional natural gas supplies are necessary."

*SBCEC Rebuttal:*

<sup>2</sup> We assume a 70% throughput for the 800 million cubic feet per day facility BHP Billiton is planning, producing approximately 60,000 GWh per year of natural gas (292 billion cubic feet per year x 0.292 kWh per cubic foot x 70% = 59,689 GWh). We convert to GWh for ease of use in considering energy equivalents between electricity and natural gas.

G012-6 Continued

G012-6  
Continued

G012-7

Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

G012-7

G012-8

See the response to Comment G012-3.

As discussed in Section 3.3.2, renewable energy resources are not evaluated as a reasonable alternative to the proposed Project because such sources are already factored into California's energy supply and demand analyses, which conclude that additional supplies of natural gas are necessary, after full consideration of the projected contributions of renewable sources, to meet California's projected energy demands.

G012-8

As with energy efficiency savings, the CEC does not fully consider existing renewable energy goals or potential in its natural gas demand projections. The CEC projections only include the 20% by 2010 Renewable Portfolio Standard ("RPS"), equivalent to about 32,000 GWh per year – or half the capacity of the Project. As the DEIR discusses (at the bottom of page 3-6), the state's Energy Action Plan calls for a 33% RPS by 2020. Governor Schwarzenegger has also aggressively promoted this goal. There is a bill, SB 107, pending in the Legislature that would make this goal mandatory, and it is likely to pass this year or next. Under a 33% RPS, approximately 32,781 GWh of additional renewable energy will be produced by 2016 – the timeframe considered in current CEC natural gas projections. This amount is equivalent to 87% of projected additional natural gas demand by 2016, and 55% of the Project's natural gas capacity. Under a 33% RPS by 2020, 47,323 GWh over and above the 2010 RPS will be provided, equivalent to 125% of the projected additional natural gas demand, and equivalent to 79% of the Project's capacity.

Accordingly, renewable energy should have been further considered in the DEIR as a project alternative.

*DEIR Statement:*

The DEIR also states, at page 3-6:

"Nevertheless, total natural gas demand in California is projected to increase by 0.7 [sic] per year from 2006 to 2016."

*SBCEC Rebuttal:*

This is an outdated figure. The most recent growth estimates from the CEC are an annual growth of 0.55% per year through 2016.<sup>3</sup> At 0.55% annually, California is projected by the CEC to need an additional 355 million cubic feet per day of natural gas, substantially less than under earlier projections. This figure does not, however, include the additional energy efficiency and renewable energy savings discussed above, so it very likely significantly overstates natural gas demand growth.

*DEIR Statement:*

The DEIR also states, at page 3-7:

"The use of renewables is limited to the generation of electricity."

*SBCEC Rebuttal:*

This is not an accurate statement because renewable energy, in the form of solar hot water systems, for example, may be used to reduce natural gas demand by heating water for homes and businesses. The new 30% federal tax credit applies to solar photovoltaics and solar hot water systems, which will likely lead to a resurgence of interest in solar hot water systems

<sup>3</sup> Personal correspondence from Jairam Gopal, Natural Gas Office Manager, California Energy Commission, Feb. 7, 2006.

## G012-8 Continued

G012-8  
Continued

### G012-9

The word "percent" has been added to the sentence. The analysis in Sections 1.2.3 and 3.3.2 relies on up-to-date published material on natural gas energy demand in California. The CEC's 2005 Integrated Energy Policy Report Committee Final Report provides the energy context for California's natural gas needs. The California Legislature recognizes that the CEC is the State's principal energy policy and planning organization and that the CEC is responsible for determining the energy needs of California. These responsibilities are established in State law (the Warren-Alquist State Energy Resources Conservation and Development Act [Public Resources Code, Division 15]).

### G012-10

Section 3.3.2 has been revised and the sentence removed, in response to the comment.

G012-9

G012-10

and a consequent reduction in natural gas demand. In addition, the state's very ambitious solar initiative (California Solar Initiative), which will provide \$2.9 billion in funding for solar through 2016, will include rebates for solar hot water systems. Solar hot water systems may also be scaled up for commercial scale applications, and this technology may be one of the most economical uses of solar power, making it quite likely we will see a significant reduction in natural gas demand due to substitution of solar hot water technologies for natural gas heating.

*DEIR Statement:*

The DEIR states, at page 3-8:

"[T]he agencies' actions with respect to the proposed Project could impact the State's energy supply mix and might indirectly affect energy costs. Based on all information presently available, it does not appear that Project approval would modify the role of renewable sources in the State's energy supply mix; however, denial of the proposed Project would not reduce the amount of natural gas required to meet the State's projected needs. Therefore, renewable energy is not evaluated as an alternative to the proposed Project in this document because such measures would not eliminate the need for both short- and mid-term supplies of additional natural gas, which is the purpose for which the Project is proposed, pursuant to the provisions of the Deepwater Port Act. In addition increased use of energy from renewable sources would occur with or without the proposed Project and use of additional renewable sources beyond the State's existing mandates is not within the control of the lead agencies.."

*SBCEC Rebuttal:*

The following passage from our LNG Report (page 27) provides the best rebuttal to this section:

[A] decision(s) to approve LNG import terminals in California could have significant effects on renewable energy and energy efficiency, potentially inhibiting necessary investments in these technologies and impeding the state in meeting its energy efficiency and renewable energy goals. This result would, among other things, cause more air pollution, lead to more greenhouse gas emissions that contribute to global warming, heighten our exposure to terrorist attacks through creating new attractive targets, and exacerbate our dependence on foreign sources of energy. At the same time, there is no guarantee that the natural gas from LNG import terminals would stay in California, given how natural gas markets function (the highest bidder will receive the gas, whether in California or not). Given the existence of viable alternatives to LNG, in the form of energy efficiency and renewable energy, the choice by local, state and federal regulators is clear: we don't need LNG.

Additionally, approving the Project may well contravene the state's official loading order, described in the 2005 Energy Action Plan, which calls for energy efficiency, demand

G012-10 Continued

G012-10  
Continued

G012-11

The information provided in the comment is speculative. The response to Comment G012-3 provides a discussion of the sources of information used concerning energy efficiency and renewable energy resources.

Chapter 4 contains the anticipated environmental and public safety impacts.

G012-11

As discussed in Section 1.2.5, the Applicant intends to provide natural gas to the California natural gas market. Section 1.2.3 contains information on California's natural gas needs.

G012-12

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

G012-13

As discussed in Section 1.2.3, the "CEC has identified the need for California to develop new natural gas infrastructure to access a diversity of fuel supply sources and to remove constraints on the delivery of natural gas." The CEC has identified LNG as a natural gas supply opportunity; therefore, the CEC has identified natural gas and LNG as part of the energy mix to meet California's energy demand, within the context of the specified loading order.

G012-12

G012-13

response, and renewable energy as the preferred sources of power for new demand. Natural gas is number six.<sup>4</sup> As discussed in detail in our LNG Report, there has been no consideration at the state level of the effect on meeting the state's ambitious renewable energy and energy efficiency goals through approval of one or more LNG import terminals. At the least, this issue should be examined prior to approval of any of the pending projects, including the BHP Billiton project.

*DEIR Statement:*

The DEIR states, at page 3-8:

"The installation of more efficient natural gas-fired turbines at existing natural gas-fired electricity generation plants ("turbine re-powering") was considered, but not evaluated as an alternative for further analysis in this report for several reasons: (1) the CEC has determined that the State's natural gas supply must be increased whether or not turbine re-powering occurs ...."

*SBCEC Rebuttal:*

It is not clear what the DEIR is referring to in terms of CEC consideration of the effect of turbine re-powering. It is our understanding that the natural gas demand projections only include, in terms of efficiency savings, the 2006-2008 CPUC energy efficiency program, and have not considered the effect of significant re-powering on natural gas demand.

The CEC issued a report in 2003, *Aging Natural Gas Plants in California*, that found significant potential savings through re-powering aging plants. An analysis by Synapse Economics, based on the 2003 report, found that re-powering the 17 largest aging natural gas plants in California would lead to 50,808 GWh of natural gas savings each year – almost as much as the Project's entire annual capacity. We have requested that the CEC complete a cost/benefit analysis of mechanisms for incentivizing re-powering of these gas plants, and compare the costs of re-powering to the costs to ratepayers of infrastructure improvements necessary to integrate the Project, and any other LNG import terminals approved, into the existing natural gas pipeline infrastructure. No such report has been completed to date, but we hope that the CEC will examine this issue in depth during the next year.

Accordingly, the natural gas demand projections referred to in the DEIR do not take into account the potential large savings from re-powering aging natural gas turbines, and this alternative should be considered further in the DEIR.

*DEIR Statement:*

The DEIR states, at page 3-10:

"[The Baja LNG import terminal] alternative was eliminated because it would neither accomplish most of the purposes and objectives of the proposed Project to provide a large, secure supply of natural gas to the Southern California market nor result in reduced

G012-13 Continued

G012-13  
Continued

G012-14

See the response to Comment G012-3.

G012-15

As discussed in Sections 1.2.3 and 3.3.3, the California Energy Action Plan II indicates both investment in conventional power plants and diversifying natural gas supply to include LNG are necessary to meet California's energy demand.

G012-15

G012-16

Section 3.3.5 has been revised to reflect more recent information about proposed and existing LNG terminals in Baja California. Sempra has applied to expand its Costa Azul LNG facility in early 2006. Approval has not been granted nor have permits been received; therefore, it is speculative to assume that 2 Bcfd would be available to Southern California natural gas utilities.

G012-16

<sup>4</sup> Energy Action Plan II, 2005.

environmental effects relative to the potential effects identified for the proposed Project, but would merely transfer such impacts to another sovereign nation.”

*SBCEC Rebuttal:*

As the DEIR discusses, there are three LNG import terminals approved for construction in Baja California. One, owned by Shell and Semptra, is being constructed now and is slated for operation in 2008. Shell and Semptra recently requested permission to expand the original 1 billion cubic feet per day facility to 2.5 billion cubic feet per day.<sup>5</sup> As the DEIR notes, about 500 million cubic feet per day is slated for use in Baja California and the rest for use in California and the rest of the United States. If 2 bcf/d is sent to California, this could supply literally almost one third of California’s total natural gas supply – from one terminal.

As we argue in detail in our LNG Report, energy efficiency and renewable energy can substitute for future natural gas demand. We then argue that if, for some reason, renewable energy and energy efficiency don’t meet existing goals, there are plenty of additional natural gas supplies coming on line over the next decade that will more than meet additional demand. The Shell/Semptra plant is the most promising because it is already being built and its owners already plan to sell much of its production to the California market.

It is important to note that we do not support construction of any LNG terminals at this time. We don’t need more natural gas as a bridge fuel because we don’t need a bridge at all – renewable energy and energy efficiency can do the job today with existing technologies. However, we do acknowledge that many LNG import terminals have been approved for construction in North America and many will in fact be built, providing a backup supply of energy if California’s renewable energy and energy efficiency goals are not met.

G012-16 Continued

G012-16  
Continued

G012-17

See the response to Comment G012-3.

G012-18

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

G012-17

G012-18

<sup>5</sup> San Diego Union-Tribune, March 15, 2006:

<http://www.signonsandiego.com/news/mexico/20060314-9999-1b14semptra.html>.

Sincerely,

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May 11, 2006

Tam Hunt  
Energy Program Director  
Community Environmental Council  
Santa Barbara, CA

**Geoffrey H.L. Hunter**  
**6930 Wildlife Rd.**  
**Malibu, CA 90265**  
**310 457-2991**

April 18, 2006

My name is Geoffrey Hunter. I reside at 6930 Wildlife Rd., Malibu, California (on Point Dume). Based on the maps contained in the Revised DEIR I am located approximately 16 miles from the FSRU (10 miles from the worst credible intentional event vapor cloud fire). For this reason I am very concerned about shoreline safety due to a massive LNG spill.

My background:

I was born and raised in Cleveland, Ohio. I graduated from Case Institute of Technology with a degree in Mechanical Engineering, Heat/Power Option. I was employed at the Rocketdyne Division in Canoga Park, California for 37 years developing large liquid propellant rocket engines. These engines were fueled by propellants including; kerosene and liquid cryogenics such as oxygen, hydrogen, and fluorine. We also studied using liquid methane (essentially LNG) as a propellant. I was also involved in the Solar One Project near Barstow, California, that produced electricity using solar energy.

I have a longtime interest in LNG. I was attending junior high school in Cleveland on Friday, October 20, 1944 when the East Ohio Gas Company LNG incident occurred. I vividly remember seeing the flames and

P201-1

Section 4.2.7.6 and the Independent Risk Assessment (Appendix C1) contain information on public safety impacts from various incidents at the FSRU. The analysis indicates that the maximum impact distance of an accident would involve a vapor cloud dispersion extending 6.3 nautical miles (7.3 miles) from the FSRU. The FSRU would be located approximately 12.01 nautical miles (13.83 miles) offshore; therefore, consequences of an accident involving LNG transport by carrier and storage on the FSRU would extend no closer than 5.7 nautical miles (6.5 miles) from the shoreline. Figure ES-1 depicts the consequence distances surrounding the FSRU location for worst credible events.

P201-1



smoke over the city and photos of the extensive damage and the eye witness accounts in the news paper on the following days. Based on my judgment, because the 1944 incident was land based, it has negligible application to the Cabrillo Project.

At a Cabrillo Port Project hearing in 2004, I expressed concern about predictions for public safety for a vapor cloud from a large LNG spill at the FSRU due to;

- a) Gas concentration high enough on reaching shore to asphyxiate onshore people.
- b) Vapor cloud igniting on reaching shore resulting in massive explosion and/or fire.

My main point was that there were no computer model predictions based on empirical tests. I have reviewed the current DEIR in regards to modeling of the vapor cloud and have concluded that;

- a) The modeling is anchored by empirical tests and the predictions are conservative.
- b) The worst case cloud poses no danger to shore based public.

I am no longer concerned about my safety.

I am in favor of this project.

I am concerned about global warming. It may not be real, as some claim, however, we can not take any chances and must strive to reduce greenhouse gasses. Barring any significant lifestyle changes by the California public we will need the energy that this project provides. Natural

P201-2

P201-2

Thank you for the information.

P201-3

P201-3

The lead agencies directed preparation of the Independent Risk Assessment (IRA), and the U.S. Department of Energy's Sandia National Laboratories independently reviewed it, as discussed in Section 4.2 and Appendix C.

Section 4.2.7.6 and the IRA (Appendix C1) discuss the models and assumptions used and the verification process. Sandia National Laboratories (Appendix C2) concluded that the models used were appropriate and produced valid results.

See also the response to Comment P201-1.

P201-4

P201-4

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

P201-5

P201-5

Sections 4.6.1.4 and 4.6.2 contain information on Project emissions of greenhouse gases and recent California legislation regarding emissions of greenhouse gases.

gas is the cleanest burning fuel that is readily available. It will help bridge the gap until we can build a significant nuclear power capacity to replace fossil fuels. Many in the audience favor hydrogen for powering our autos. Currently the majority of the hydrogen produced is from natural gas. In the distant future the hydrogen would ideally be produced using nuclear power. It should be noted that hydrogen fuel in autos, because of its flammability and explosive characteristics, poses a significantly greater risk to public safety than the Cabrillo Port Project.

Regarding California lifestyle, I note that approximately 30 per cent of the vehicles in the parking lot at this hearing are gas guzzling SUV's.



Geoffrey H.L. Hunter

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

April 19, 2006

Dwight Sanders  
State lands commission,  
100 Howe Avenue  
Suite 100 South  
Sacramento California 95825-8202

Re: Stop Cabrillo Port LNG

Dear Mr. Sanders,

Please stop Cabrillo port LNG industrial plant from progressing any further in the permit process. California law prohibits industrial intrusion on highly scenic areas. The last remaining wild areas on the Southern California Coast will be permanently despoiled if this industrial plant is installed. In fact over 10 national parks, national recreation areas, state, city and county parks will be despoiled. This would forever impact the quality of life of the areas residents and negatively impact the millions of visitors who come to hike and enjoy the seashore. In addition, federal and state governments own studies show that this project would:

- result in both short term and long term adverse impacts to the coast and it's residents.
- Increase smog levels (tons of pollutants spewing directly upwind from our houses, beaches and hiking trails.
- contain 14 story high pollution spewing industrial towers with lines of support ships which forever will be our new horizon. This towers will be brightly lit at night being a 24 hour eye sore.
- harbor the possibility of a 14 mile wide explosive flash fire due to an accident of terrorist attack.
- be visible from all elevations in malibu from downtown Malibu all the way to Port Hueneme.
- require a "security zone" of 2.3 miles around it. (to protect from terrorism, accidents etc) which is in the same shipping channel where 10,000. container ships and oil tankers use annually.

There are many more negative impacts than the above "official" ones disclosed by the federal and state study.

PLEASE do not allow this to go forward. We, the citizens of Southern California will fight this project until it is derailed. Our money and time can be spent on projects that truly will improve the quality of life in Southern California rather than just provide an opportunity for foreign Companies to sell us gas that they and we do not need.

Sincerely,

NEIL HUSVAR



417 SHILL ST # 910  
LOS ANGELES, CA 90013

P262

To view the responses to this letter, go to "Index--Read this First" and select "2006 Letters--Form Letter."

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Sincerely,

Cathy Hutchinson  
Cathy Hutchinson  
26569 Ocean View Dr.  
Malibu, CA  
90265